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HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1944

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REGULAR SESSION, 1944

TUESDAY, MARCH 14, 1944.

The House was called to order by the Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Fred Carpenter	Bernie S. Edlin
Henry Arrowood	Willis Champion	Harry W. Ennis
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Dr. J. C. Gabbard
W. G. Biggers	A. Roy Copeland	Chas. B. Gentry
Isaac Blevins	Marvin Cornett	Franklin Goins
Douglas T. Bolling	John Henry Cox	J. D. Gross
J. C. Bradley	John P. Craig	R. M. Hall
Jno. W. Burkhart	Fred Creasey	Jas. P. Hallahan
Chas. W. Burnley	Adron Doran	Claude Hammons
C. D. Call	J. R. Dorman	B. C. Holbrook

Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
E. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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Mr. Quill moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill moved that the House do now recess until 2:00 P. M.

Said motion was agreed to.

And then the House recessed.

The hour of 2:00 P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Ennis moved that Misses Lena Pearl and Edna Earl McKinney, daughters of the Honorable Pearl McKinney, be appointed Honorary Pages of this House.

Said motion was agreed to.

Mr. Bolling moved that Miss Ann Clark Prather, granddaughter of the Honorable J. G. Prather, be appointed Honorary Page of this House.

Said motion was agreed to.

Mr. Kauffman introduced to the House the following visitors from Ft. Knox, Kentucky:

Colonel N. Butler Briscoe, Colonel Forsythe, Colonel Colton, Major McKowenn, Captain Bauer, Lieutenant Hudson and Lieutenant Ferrell.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this House, entitled:

H. Res. 37. Resolution for the benefit of employees and officers of the Senate and House of Representatives.

H. Res. 51. Resolution providing for the reservation of parking space on the Capitol grounds for members of the General Assembly.

H. Res. 79. Resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritances and gifts.

H. B. 238. An Act providing for the inspection of weighing machines and weighing devices in tobacco warehouses.

H. B. 363. An Act relating to fireworks.

H. B. 301. An Act to require the enrichment of bread and flour by the addition of certain vitamins.

H. B. 56. An Act relating to motor vehicle operators' licenses.

H. B. 167. An Act relating to state appropriations for county roads allocated among the several counties and providing for quarter annual reports of county balances.

H. B. 381. An Act relating to Unemployment Compensation.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

S. B. 155. An Act empowering and directing the Treasurer of the Commonwealth of Kentucky to invest funds in his hands.

S. B. 162. An Act relating to the classification of cities.

S. Res. 46. Resolution authorizing N. E. Christian to sue the Commonwealth.

S. Res. 48. Resolution authorizing R. C. Bradley to sue the Commonwealth.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed

with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 240. An Act to provide for Civil Service and pensions for county employees in counties containing cities of the Second Class.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 6)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. B. 240 by adding after the word "class" in line 1, section 2, page 1 of the printed bill, the following: "and having a population of more than 80,000."

2. Amend H. B. 240 by striking the period at the end of line 2 on page 1, section 1, of the printed bill and adding after the word "class" the following: "and having a population of more than 80,000."

3. Amend the title to H. B. 240 by striking the period after the word "Class" and adding the following: "and having a population of more than 80,000."

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	J. Gip Prather
Henry Arrowood	Benton Howard	L. W. Preston
F. H. Bassett, Jr.	Clyde S. Howard	Kleber F. Price
Douglas T. Bolling	Jerry F. Howell	James E. Quill
J. C. Bradley	J. J. Huff	C. R. Reeves
Jno. W. Burkhart	W. N. Hughes	L. Allen Rhoads
Chas. W. Burnley	W. H. Hunt	Wade H. Riley
C. D. Call	Lee Johnson	Amos Runyon
Fred Carpenter	Paul S. Jonas	Carl Scheben
Willis Champion	Wm. E. Justice	F. W. Schuhmann
Jno. H. Clarke, Jr.	M. Kavanaugh	Leon J. Shaikun
A. Roy Copeland	J. T. Linton	Jno. W. Simmons
Marvin Cornett	Homer E. Losey	Faust Y. Simpson
John Henry Cox	A. L. Love	Robt. J. Spaulding
John P. Craig	Pearl McKinney	E. A. Spencer
Fred Creasey	C. C. May	Arthur Stallard
Adron Doran	Harry L. Moore	Geo. W. Steinford
J. R. Dorman	Herbert V. Moore	Joe Stewart
Bernie S. Edlin	L. D. Moore	C. W. Taylor
Dr. J. C. Gabbard	W. B. Moser	H. Thieman, Jr.
Chas. B. Gentry	C. Sid Nabb	Otis C. Thomas
Franklin Goins	Jno. C. Newcomb	S. J. Wagner
J. D. Gross	Chester Peterson	Harry F. Walters
R. M. Hall	Albert W. Pfeiffer	R. E. West
Claude Hammons	Sylvester Phillips	Taylor Witt

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Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 116. An Act to repeal and re-enact Secs. 341.510 and 341.530 of the Kentucky Revised Statutes, relating to Unemployment Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 341.510, sub-section (1) of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"WITHDRAWALS FROM TRUST FUND. (1) Money shall be requisitioned from the State's account in the Unemployment Trust Fund solely for the payment of benefits and in accordance with regulations prescribed by the Commission. The Commission, through the State Treasurer acting as its fiscal agent, shall from time to time requisition from the Unemployment Trust Fund such amounts, not exceeding the amounts standing to this State's accounts therein as it considers necessary for the payment of benefits for a reasonable future period. Provided, however, that out of contributions which become payable under this Chapter on and after April 1, 1944, the Commission may also in like manner requisition from the Unemployment Trust Fund such funds as may be necessary to defray the cost of administration of this Chapter for a reasonable future period during which the Social Security Board does not, for the same period, make certification for payment to this State of funds for the assistance of this State

in the administration of this Chapter as provided in Title III of the Federal Social Security Act (49 Stat. 620) as amended; any funds so requisitioned by the Commission shall not exceed the total amount the Social Security Board shall have withheld from certification with respect to such State for the same period, nor an aggregate total amount of $1,260,000.00 in any event, and shall when received be deposited by the Treasurer in the Unemployment Compensation Administration Fund created by Section 341.240 of the Kentucky Revised Statutes and become a part of said Fund, subject to the limitations of KRS 341.620 and other provisions of the chapter with respect to expenditure therefrom. During the period for which funds are so requisitioned to defray the cost of administering this chapter and deposited in the Unemployment Administration Fund as above provided, no assessment shall be levied on employers under the provisions of Section 341.590 Kentucky Revised Statutes.

Section 2. That Section 341.530 of the Kentucky Revised Statutes be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"*Employer reserve account.* (1) The Commission shall maintain within the fund a separate reserve account for each subject employer, and shall, except as provided in paragraph two hereof and KRS 341.560, credit to such account the total amount of all contributions paid by the employer on his own behalf. The liability of each such account shall be limited to the payment of benefits to eligible workers.

"(2) KRS 341.270 to the contrary notwithstanding, on and after April 1, 1944, no employer's contribution rate shall be less than three tenths of one per cent and the first three tenths of one per cent shall be withheld from credit to an employer's reserve account until the end of the tax paying period in which the total so withheld from all employers in the aggregate reaches $1,260,000.00, whereupon the minimum

contribution rate fixed by this paragraph shall become inoperative. Any balance so withheld in excess of $1,260,000.00 shall be credited to the pooled account as defined in KRS 341.550.

"(3) The benefits paid to an eligible worker for a week of unemployment shall be charged proportionately against the accounts of those of his subject employers from whom he has base year or base period wages. The proportion so used shall be that ratio which is obtained by dividing the base year or base period wages of a worker from such employer by the total base year or base period wages of such worker, adjusted to the nearest multiple of one per cent. For the purpose of this subsection a fractional part of a cent shall de disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

"(4) Each subject employer's reserve account shall, unless terminated or exhausted as of the computation date (as defined in sub-section (5) of KRS 341.270) be charged with all benefits paid to eligible workers which are chargeable to such reserve account under sub-section (3) of this section. A subject employer's reserve account shall be deemed to be terminated if he has ceased to be subject to this chapter, and his account has been closed and any balance remaining therein has been credited to the fund's pooled account or to a successor's account as provided in KRS 341.540.

"(5) Any subject employer may at any time make voluntary payments, additional to the contributions required under KRS 341.260 and 341.270 to his reserve account, according to the general rules established by the Commission."

Section 3. *Declaration of emergency.* Whereas the taking effect of the provisions of this Act is necessary prior to April 1, 1944, in order to have available administrative money for the Unemployment Compensation Commission by July 1,

1944, an emergency is hereby declared to exist and this Act shall become law upon its enactment by the General Assembly and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. D. Gross	C. C. May
Henry Arrowood	R. M. Hall	Johnston Miller
F. H. Bassett, Jr.	Jas. P. Hallahan	Harry L. Moore
W. G. Biggers	Claude Hammons	Herbert V. Moore
Isaac Blevins	B. C. Holbrook	L. D. Moore
Jno. W. Burkhart	Benton Howard	W. B. Moser
Chas. W. Burnley	Clyde S. Howard	C. Sid Nabb
C. D. Call	Jerry F. Howell	Coy C. Nevitt
Fred Carpenter	J. J. Huff	Jno. C. Newcomb
Willis Champion	W. N. Hughes	H. C. Patterson
Jno. H. Clarke, Jr.	W. H. Hunt	Chester Peterson
A. Roy Copeland	Lee Johnson	Albert W. Pfeiffer
Marvin Cornett	Paul S. Jonas	Sylvester Phillips
John Henry Cox	Wm. E. Justice	L. W. Preston
John P. Craig	H. Clay Kauffman	Kleber F. Price
Fred Creasey	M. Kavanaugh	Edw. P. Prichard
Adron Doran	G. M. Knuckles	James E. Quill
J. R. Dorman	J. T. Linton	C. R. Reeves
Bernie S. Edlin	Homer E. Losey	L. Allen Rhoads
Dr. J. C. Gabbard	A. L. Love	H. G. Royalty
Chas. B. Gentry	Pearl McKinney	Amos Runyon
Franklin Goins	Ed Marcum	Carl Scheben

F. W. Schuhmann	Arthur Stallard	Otis C. Thomas
Vernon Seaton	Geo. W. Steinford	E. B. Thompson
Leon J. Shaikun	Joe Stewart	S. J. Wagner
Jno. W. Simmons	Thos. M. Swope	Harry F. Walters
Faust Y. Simpson	C. W. Taylor	R. E. West
George T. Smith	Egbert V. Taylor	Taylor Witt
Robt. J. Spaulding	Roy L. Taylor	Speaker Harry
E. A. Spencer	H. Thieman, Jr.	Lee Waterfield

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 51. An Act to repeal, amend, and re-enact Sec. 69.050 of Kentucky Revised Statutes of 1942, relating to salary, commissions and compensation of Commonwealth's Attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 69.050 of the Kentucky Revised Statutes of 1942 as adopted by the General Assembly at its 1942 session, be and the same is hereby repealed, amended, and re-enacted, so that the same when so amended and re-enacted, shall read as follows:

"Each Commonwealth's attorney shall receive an annual salary of $500 to be paid out of the State Treasury. In addition

thereto and in lieu of all taxed fees and prerequisites he shall be allowed the sum of $4,500 per annum out of the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district, to be paid monthly out of the fines and forfeitures collected and paid into the State Treasury each month. Except as provided in KRS 150.160 he shall receive forty percent of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district in any year are not sufficient to allow him $4,500 and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceding year to $4,500. In no case shall he receive more than $5,000 out of the State Treasury for any one year. But the fiscal court of any county may allow the Commonwealth's Attorney for that county additional compensation as it deems proper, to be paid as other claims against the county are paid."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	Marvin Cornett
Henry Arrowood	C. D. Call	John Henry Cox
F. H. Bassett, Jr.	Fred Carpenter	Fred Creasey
W. G. Biggers	Willis Champion	Adron Doran
Isaac Blevins	A. Roy Copeland	J. R. Dorman

T. H. Dyer	Homer E. Losey	L. Allen Rhoads
Bernie S. Edlin	Pearl McKinney	Wade H. Riley
Dr. J. C. Gabbard	Ed Marcum	Amos Runyon
Chas. B. Gentry	C. C. May	Carl Scheben
J. D. Gross	Johnston Miller	F. W. Schuhmann
R. M. Hall	Harry L. Moore	Vernon Seaton
Jas. P. Hallahan	Herbert V. Moore	Leon J. Shaikun
Claude Hammons	L. D. Moore	Jno. W. Simmons
B. C. Holbrook	W. B. Moser	Faust Y. Simpson
Benton Howard	C. Sid Nabb	George T. Smith
Clyde S. Howard	Jno. C. Newcomb	Geo. W. Steinford
Jerry F. Howell	Joe E. Nunn	Joe Stewart
J. J. Huff	Chester Peterson	Thos. M. Swope
W. H. Hunt	Albert W. Pfeiffer	C. W. Taylor
Lee Johnson	Sylvester Phillips	Egbert V. Taylor
Paul S. Jonas	L. W. Preston	H. Thieman, Jr.
H. Clay Kauffman	Kleber F. Price	Otis C. Thomas
M. Kavanaugh	Edw. P. Prichard	E. B. Thompson
G. M. Knuckles	James E. Quill	S. J. Wagner
J. T. Linton	C. R. Reeves	Taylor Witt

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Those who voted in the negative were—

Jno. H. Clarke, Jr.	Wm. E. Justice	Robt. J. Spaulding
John P. Craig	A. L. Love	R. E. West
Franklin Goins	H. C. Patterson	

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 39. An Act relating to the Active Militia and providing for pay, medical treatment and funeral expenses of Active Militiamen who may die or become disabled by injuries received when on, or as the result of, duty as such.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any member of the Active Militia shall be incapacitated from pursuing his usual business or occupation by reason of any injury received when on duty or assembled therefor under competent authority or lawful order, which said injury shall directly result from such service, he shall be entitled to receive the pay provided by Kentucky Revised Statutes 37.270 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving such injury. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuses to permit such examination or if he refuses to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

§ 2. If the death of any member of the Active Militia results from an injury received when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed $250.00.

§ 3. The body of an officer or enlisted man, who dies while in active field service, or on active duty while his com-

mand is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of $250.00 as allowed by Section 1 of this Act. All disbursements under Sections 1, 2 and 3 of this Act shall be a proper charge against the State and shall be paid from the Treasury on properly certified and approved vouchers.

§ 4. If any member of the Active Militia, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney General to represent the member of the Active Militia in any civil proceedings so begun. If, under the same conditions, a member of the Active Militia is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the Active Militia, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Benton Howard	Sylvester Phillips
Henry Arrowood	Clyde S. Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	Kleber F. Price
W. G. Biggers	J. J. Huff	Edw. P. Prichard
Isaac Blevins	W. N. Hughes	James E. Quill
Jno. W. Burkhart	Lee Johnson	C. R. Reeves
Chas. W. Burnley	Paul S. Jonas	Amos Runyon
C. D. Call	Wm. E. Justice	Carl Scheben
Fred Carpenter	M. Kavanaugh	F. W. Schuhmann
Willis Champion	G. M. Knuckles	Vernon Seaton
Jno. H. Clarke, Jr.	J. T. Linton	Leon J. Shaikun
A. Roy Copeland	Homer E. Losey	Jno. W. Simmons
Marvin Cornett	A. L. Love	Faust Y. Simpson
John Henry Cox	Pearl McKinney	George T. Smith
John P. Craig	Ed Marcum	Robt. J. Spaulding
Fred Creasey	C. C. May	E. A. Spencer
Adron Doran	Harry L. Moore	Arthur Stallard
J. R. Dorman	Herbert V. Moore	Geo. W. Steinford
T. H. Dyer	J. Lee Moore	Joe Stewart
Bernie S. Edlin	L. D. Moore	C. W. Taylor
Dr. J. C. Gabbard	W. B. Moser	Egbert V. Taylor
Chas. B. Gentry	C. Sid Nabb	H. Thieman, Jr.
Franklin Goins	Coy C. Nevitt	Otis C. Thomas
J. D. Gross	Jno. C. Newcomb	E. B. Thompson
R. M. Hall	Joe E. Nunn	S. J. Wagner
Jas. P. Hallahan	H. C. Patterson	Harry F. Walters
Claude Hammons	Chester Peterson	R. E. West
B. C. Holbrook	Albert W. Pfeiffer	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled: S. B. 93. An Act relating to commitment of incompetents, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sub-section (3) of Section 202.120, Kentucky Revised Statutes, be amended and reenacted so that as amended and reenacted it shall read as follows:

"(2) Within thirty days after such commitment, if the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution to which the person has been committed finds that the person is insane (psychotic), they shall so certify to the court which committed him; whereupon an inquest shall be held in accordance with the provisions of this chapter, and upon the trial the testimony of physicians appointed under KRS 202.100 may be heard, and in addition thereto the certified statement of the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution to which the person has been committed shall also be admissible as evidence."

Section 2. That Section 202.130, Kentucky Revised Statutes be amended and reenacted so that as amended and reenacted it shall read as follows:

"No inquest shall be held unless the defendant is in court, except, when it appears from the oath or affidavit of two regular practicing physicians that they have examined him and that they believe that his condition is such that it will be unsafe or unwise to bring him into court, or except upon the presentation of an affidavit from the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution

to which the defendant has been committed under KRS 202.120 or admitted under KRS 203.020, KRS 203.030, or KRS 203.040 that the defendant is insane (psychotic)."

Section 3. That Subsection (2) of Section 203.020, Kentucky Revised Statutes, he amended and reenacted so that as amended and reenacted it shall read as follows:

"(2) Such patient shall not be detained against his will for more than ten days from the date that patient notifies the superintendent of his desire to leave the institution. If the superintendent and clinical director, or a staff physician acting in the latter capacity, believe that the patient is dangerous to himself or to society they, or either of them, shall within the same ten days file a petition in the proper court for an inquest concerning the sanity of the patient as provided in Chapter 202 of the Kentucky Revised Statutes, however, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and KRS 202.110 may admit as evidence the affidavit of the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution in which the patient has been confined that the defendant is insane (psychotic)."

Section 4. That Sub-section (3) of Section 203.030, Kentucky Revised Statutes, be amended and reenacted so that as amended and reenacted it shall read as follows:

"(3) If the superintendent and clinical director, or a staff physician acting in the latter capacity, find a patient to be a suitable person for cure and treatment, they, or either of them, shall file a petition in the proper court for an inquest concerning the sanity of the patient as provided in Chapter 202 of the Kentucky Revised Statutes; however, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and KRS 202.110 may admit as evidence the affidavit of the superintendent and clinical director, or a staff phy-

sician acting in the latter capacity, of the institution in which the patient has been confined that the defendant is insane (psychotic)."

Section 5. That Sub-section (2) of Section 203.040, Kentucky Revised Statutes, be amended and reenacted so that as amended and reenacted it shall read as follows:

"(2) Immediately upon admission the superintendent shall notify the circuit court, or county court if the circuit court is not in session, accompanying the notice with a petition for an inquest, but holding the patient in custody until the inquest is ordered by the court; however, if the admission be to a mental hospital, the court instead of appointing physicians to make the examination as provided in KRS 201.100 and KRS 202.110 may admit as evidence the affidavit of the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution in which the patient has been confined that the defendant is insane (psychotic)."

Section 6. In no case where the affidavit of the Superintendent and clinical director, or a staff physician acting in the latter capacity, is admitted as evidence as provided in the above Sections one to five inclusive, shall any fee be charged; it being considered a part of the regular State service.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. G. Biggers	Chas. W. Burnley
Henry Arrowood	Isaac Blevins	C. D. Call
F. H. Bassett, Jr.	Jno. W. Burkhart	Fred Carpenter

Jno. H. Clarke, Jr.	Paul S. Jonas	Edw. P. Prichard
A. Roy Copeland	Wm. E. Justice	James E. Quill
Marvin Cornett	H. Clay Kauffman	C. R. Reeves
John Henry Cox	M. Kavanaugh	Wade H. Riley
John P. Craig	G. M. Knuckles	Amos Runyon
Fred Creasey	J. T. Linton	Carl Scheben
Adron Doran	A. L. Love	F. W. Schuhmann
J. R. Dorman	Pearl McKinney	Vernon Seaton
T. H. Dyer	Ed Marcum	Leon J. Shaikun
Bernie S. Edlin	C. C. May	Jno. W. Simmons
Dr. J. C. Gabbard	Johnston Miller	Faust Y. Simpson
Chas. B. Gentry	Harry L. Moore	George T. Smith
Franklin Goins	Herbert V. Moore	Robt. J. Spaulding
J. D. Gross	J. Lee Moore	E. A. Spencer
R. M. Hall	L. D. Moore	Arthur Stallard
Jas. P. Hallahan	W. B. Moser	Geo. W. Steinford
Claude Hammons	C. Sid Nabb	Joe Stewart
B. C. Holbrook	Coy C. Nevitt	Thos. M. Swope
Benton Howard	Jno. C. Newcomb	Egbert V. Taylor
Jerry F. Howell	Joe E. Nunn	H. Thieman, Jr.
J. J. Huff	H. C. Patterson	E. B. Thompson
W. N. Hughes	Chester Peterson	S. J. Wagner
W. H. Hunt	Albert W. Pfeiffer	R. E. West
Lee Johnson	Kleber F. Price	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled: S. B. 145. An Act amending Section 393.100 KRS.

Said bill is as follows, viz.:

Be it enactd by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 393.100 of the Kentucky Statutes, 1942, be, and the same is hereby amended and re-enacted, so that as amended and re-enacted, said section shall read as follows, to-wit:

Any property paid into any court of this state for distribution and the increments thereof, shall be presumed abandoned if not claimed within five years after the date of payment into court or as soon after the five year period, as all claims filed in connection with it, have been disallowed or settled by the Court. Provided, however, that any property paid into any court of this state for distribution and the increments thereof, which may be presumed abandoned as provided in this act and which shall have been recovered or procured upon the relationship or through the instrumentality of any municipality of this state, shall revert to the General Fund of such municipality and at any time after the five-year period has expired, after the date of the payment into the court, the municipality may by petition filed against the custodian of such funds, in the court in which said property is located, request the payment thereof to said municipality and the Judge of said court shall order the Custodian thereof, to pay the entire sum to said municipality. Provided, further that before entering judgment, ordering said sum so paid, the court shall require that notice be published at least once in a newspaper of general bona fide circulation in the County, stating the intention of the court to award such sum to the municipality and final judgment shall not be entered, until 15 days shall have elapsed from the date of such publication. At any time prior to the final judgment, the court may consider any bona fide claims made by claimants to said property or any part thereof. However, thereafter, any and all claimants shall be forever barred therefrom.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. N. Hughes	Kleber F. Price
Henry Arrowood	W. H. Hunt	Edw. P. Prichard
F. H. Bassett, Jr.	Lee Johnson	James E. Quill
Isaac Blevins	Paul S. Jonas	C. R. Reeves
Jno. W. Burkhart	Wm. E. Justice	L. Allen Rhoads
Chas. W. Burnley	H. Clay Kauffman	Wade H. Riley
C. D. Call	M. Kavanaugh	H. G. Royalty
Fred Carpenter	G. M. Knuckles	Amos Runyon
A. Roy Copeland	J. T. Linton	Carl Scheben
Marvin Cornett	Homer E. Losey	F. W. Schuhmann
John Henry Cox	A. L. Love	Vernon Seaton
John P. Craig	Pearl McKinney	Leon J. Shaikun
Fred Creasey	Ed Marcum	Jno. W. Simmons
Adron Doran	C. C. May	Faust Y. Simpson
J. R. Dorman	Johnston Miller	George T. Smith
T. H. Dyer	Herbert V. Moore	Robt. J. Spaulding
Bernie S. Edlin	J. Lee Moore	Arthur Stallard
Dr. J. C. Gabbard	L. D. Moore	Geo. W. Steinford
J. D. Gross	W. B. Moser	Joe Stewart
R. M. Hall	C. Sid Nabb	Egbert V. Taylor
Claude Hammons	Coy C. Nevitt	H. Thieman, Jr.
B. C. Holbrook	Jno. C. Newcomb	E. B. Thompson
Benton Howard	Joe E. Nunn	S. J. Wagner
Clyde S. Howard	Chester Peterson	R. E. West
Jerry F. Howell	Albert W. Pfeiffer	Taylor Witt
J. J. Huff	Sylvester Phillips	—77

There voted in the negative—

E. A. Spencer —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 56. AN ACT amending and re-enacting Kentucky Revised Statutes, Section 176.020 Subsection (2) by creating the Division of Rural Highways in the Department of Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 176.020 Subsection (2) of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(2) The department shall be divided into the Division of Construction, a Division of Records, a Division of Equipment, a Division of Maintenance, a Division of Rural Highways, and a Division of Highway Patrol. Each division shall perform the duties assigned it by the Commissioner of Highways and shall be headed by a director who shall act under the direction and supervision of the Commissioner of Highways.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	Albert W. Pfeiffer
Henry Arrowood	Jerry F. Howell	Sylvester Phillips
F. H. Bassett, Jr.	J. J. Huff	Kleber F. Price
Isaac Blevins	W. N. Hughes	Edw. P. Prichard
J. C. Bradley	W. H. Hunt	James E. Quill
Jno. W. Burkhart	Lee Johnson	C. R. Reeves
Chas. W. Burnley	Paul S. Jonas	L. Allen Rhoads
C. D. Call	Wm. E. Justice	Wade H. Riley
Fred Carpenter	H. Clay Kauffman	H. G. Royalty
Willis Champion	M. Kavanaugh	Amos Runyon
Jno. H. Clarke, Jr.	G. M. Knuckles	Carl Scheben
A. Roy Copeland	J. T. Linton	F. W. Schuhmann
Marvin Cornett	Homer E. Losey	Vernon Seaton
John Henry Cox	A. L. Love	Leon J. Shaikun
John P. Craig	Pearl McKinney	Jno. W. Simmons
Fred Creasey	Ed Marcum	Faust Y. Simpson
Adron Doran	C. C. May	Robt. J. Spaulding
J. R. Dorman	Johnston Miller	E. A. Spencer
T. H. Dyer	Harry L. Moore	Arthur Stallard
Bernie S. Edlin	Herbert V. Moore	Geo. W. Steinford
Dr. J. C. Gabbard	J. Lee Moore	Joe Stewart
Chas. B. Gentry	L. D. Moore	C. W. Taylor
Franklin Goins	W. B. Moser	Egbert V. Taylor
J. D. Gross	C. Sid Nabb	H. Thieman, Jr.
R. M. Hall	Coy C. Nevitt	E. B. Thompson
Jas. P. Hallahan	Jno. C. Newcomb	S. J. Wagner
Claude Hammons	Joe E. Nunn	R. E. West
B. C. Holbrook	H. C. Patterson	Taylor Witt
Benton Howard	Chester Peterson	

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 80. AN ACT to provide jurisdiction and supervision over privately owned airports and landing-fields in the Kentucky Aeronautics Commission: to provide further for the condemnation of lands for airports and landing-fields, and for landing strips along highways: and for the improvement of airports by the extension of runways across certain inferior county roads and passways; and for the regulation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

that the word "airport," as the word is used herein, shall be synonymous, with "landing field," or "aviation field," or "landing strip," and shall indicate and mean any place constructed for the landing or dispatch of machines or aircrafts in the navigation of the air, and which has been approved and designated for such purposes by The Kentucky Aeronautics Commission.

SECTION 2. Where airports have heretofore or may hereafter be established by any individual, partnership, or corporation organized for the purpose of establishing the same, such individual, partnership, or corporation may, if he or it so desires, file an application with the State Aeronautics Commission, submitting to the jurisdiction thereof, and agreeing to comply with all the requirements, rules and regulations of the Kentucky Aeronautics Commission, authorized by Chapter 183 Kentucky Revised Statutes, with respect to publicly owned airports, and thereupon the Kentucky Aeronautics Commission shall cause said airport to be inspected, and if found to conform to the standards of public airports established under

said Chapter, the Kentucky Aeronautics Commission shall then approve said application; and said airport shall be deemed to be established, and to be within the jurisdiction of said Kentucky Aeronautics Commission, to the same extent as public airports under said Chapter are so subject.

SECTION 3. The Kentucky Aeronautics Commission may, by resolution, reciting that any lands or property adjoining an airport is needed for purposes of establishing and maintaining an airport and facilities to provide for transportation by air, of passengers, express and mail, and to provide an airport and facilities for the use of the State or Federal Government, direct the condemnation of property. Whereupon, condemnation proceedings shall be conducted in the name of the Kentucky Aeronautics Commission at the expense of the individual, partnership, or corporation owning or operating said airport, and the procedure for condemnation shall conform to the procedure set out in KRS 416.120, but the Commission shall have no liability for the result of such proceedings, and all cost, expense, damages, and compensation awarded shall be paid by the owners or operators of such airport seeking to acquire title to said lands.

SECTION 4. Any airport operator within the jurisdiction of the Kentucky Aeronautics Commission, shall have the right to extend and improve any runway of such airport, over and across any County Road, or passway not heretofore designated by the Kentucky State Highway Department as a part of the Primary Road System of the Commonwealth, in such manner as not unreasonably to obstruct by such construction, the passage of vehicles on such road or passway, and in the event any such runway is so extended or constructed, the public using such road shall be entitled to the same protection in the use of said road as in cases where public roads cross railroads; the operators of said airport at its expense shall restore to its former condition, as nearly as may be, any such road across

which it has constructed its runway, to the full width of said runways, and at least 100 feet on each side thereof.

An automatic signal by bell or whistle upon said road, or passway, installed at least 50 rods from the said runway, which device shall ring or sound continuously or alternately, while any aircraft is using any part of said runway, shall be provided by the operator of said airport, and at its expense, it shall cause signal boards to be placed and constantly maintained on any such road or passway one hundred feet from the place where its runway crosses any such road, which boards shall be substantially supported, and shall be placed so as to be easily by travelers, and not to obstruct travel, and shall bear on each side in capital letters at least five inches high, the words "DANGER, AIRPORT CROSSING, STOP, LOOK AND LISTEN FOR AIRCRAFT;" provided that nothing herein shall allow the construction of any runway over any hard surfaced or improved highway, nor any road constituting a part of the Primary Road System of the State.

SECTION 5. Any airport Operator may condemn land adjoining any public road or highway in the State for landing strips, and the procedure in such cases shall be the same as hereinabove provided, with respect to the condemnation of lands for airports.

Mr. Cox offered the following amendment to said bill, viz.:

Amend S. B. 80 on page 2, section 3, line 1 by adding after the word "Commission" and before the word "may" the following: ", with the consent of the owner of any such airport."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Benton Howard	Sylvester Phillips
W. G. Biggers	Clyde S. Howard	Edw. P. Prichard
Isaac Blevins	Jerry F. Howell	James E. Quill
Douglas T. Bolling	J. J. Huff	L. Allen Rhoads
J. C. Bradley	W. N. Hughes	Wade H. Riley
Jno. W. Burkhart	W. H. Hunt	H. G. Royalty
Chas. W. Burnley	Lee Johnson	Amos Runyon
C. D. Call	Paul S. Jonas	Carl Scheben
Fred Carpenter	Wm. E. Justice	F. W. Schuhmann
Willis Champion	M. Kavanaugh	Vernon Seaton
A. Roy Copeland	G. M. Knuckles	Leon J. Shaikun
Marvin Cornett	Homer E. Losey	Jno. W. Simmons
John Henry Cox	A. L. Love	Faust Y. Simpson
John P. Craig	Pearl McKinney	George T. Smith
Adron Doran	Johnston Miller	Robt. J. Spaulding
J. R. Dorman	Harry L. Moore	E. A. Spencer
T. H. Dyer	Herbert V. Moore	Arthur Stallard
Bernie S. Edlin	J. Lee Moore	Thos. M. Swope
Dr. J. C. Gabbard	L. D. Moore	C. W. Taylor
Chas. B. Gentry	C. Sid Nabb	Roy L. Taylor
Franklin Goins	Jno. C. Newcomb	H. Thieman, Jr.
J. D. Gross	Joe E. Nunn	John L. Trumbo
Jas. P. Hallahan	Chester Peterson	Harry F. Walters
B. C. Holbrook	Albert W. Pfeiffer	Taylor Witt

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Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 95. An Act relating to housing for persons in National Defense Work.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 80.730 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 80.730 to 80.800:

(a) "Administration" means any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any projects, in whole or in part, from the Federal Government.

(b) "Development" means any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor) and shall include the acquisition of any project (in whole or in part) from the Federal Government.

(c) "Federal Government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(d) "Housing commission" means any housing commission established pursuant to KRS 80.010 to 80.250 or KRS 80.310 to 80.610 and shall include the city which established the housing commission pursuant to KRS 80.010 to 80.250.

(e) "Persons engaged in National Defense activities" includes, without limiting the generality thereof, enlisted men in the military and naval services of the United States; employes of the War and Navy Departments assigned to duty at military or naval reservations, posts or bases, workers engaged or to be engaged in industries connected with and essential to the National Defense programs; and the families of the aforesaid persons who are living with them.

(f) "Persons of low income" means persons or families who lack the amount of income which is necessary, as determined by the housing commission undertaking the housing project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(2) The development of a project shall be deemed to be "initiated," within the meaning of KRS 80.730 to 80.800, if a housing commission has issued any bonds, notes or other obligations with respect to financing the development of such project of the commission, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to the termination of the present war.

(3) The powers conferred by KRS 80.730 to 80.800 shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as amending or extending any other law.

§ 2. Section 80.740 of the Kentucky Revised Statutes is amended to read as follows:

Any housing commission may undertake the development or administration, or both, of projects to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities whom the housing commission determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing commission shall initiate the development of any such project pursuant to KRS 80.730 to 80.800 after the termination of the present war.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. R. Dorman	G. M. Knuckles
F. H. Bassett, Jr.	T. H. Dyer	J. T. Linton
W. G. Biggers	Bernie S. Edlin	Homer E. Losey
Douglas T. Bolling	Dr. J. C. Gabbard	A. L. Love
Jno. W. Burkhart	Franklin Goins	Pearl McKinney
Chas. W. Burnley	J. D. Gross	Ed Marcum
C. D. Call	R. M. Hall	C. C. May
Fred Carpenter	Jas. P. Hallahan	Harry L. Moore
Willis Champion	B. C. Holbrook	Herbert V. Moore
Jno. H. Clarke, Jr.	Benton Howard	J. Lee Moore
A. Roy Copeland	Jerry F. Howell	L. D. Moore
Marvin Cornett	J. J. Huff	C. Sid Nabb
John Henry Cox	W. H. Hunt	Jno. C. Newcomb
John P. Craig	Paul S. Jonas	Joe E. Nunn
Fred Creasey	Wm. E. Justice	Chester Peterson
Adron Doran	M. Kavanaugh	Sylvester Phillips

Edw. P. Prichard	Leon J. Shaikun	Roy L. Taylor
James E. Quill	Jno. W. Simmons	H. Thieman, Jr.
C. R. Reeves	George T. Smith	E. B. Thompson
L. Allen Rhoads	Robt. J. Spaulding	John L. Trumbo
Wade H. Riley	E. A. Spencer	S. J. Wagner
H. G. Royalty	Arthur Stallard	Harry F. Walters
Amos Runyon	Geo. W. Steinford	R. E. West
Carl Scheben	Thos. M. Swope	Taylor Witt
F. W. Schuhmann	C. W. Taylor	
Vernon Seaton	Egbert V. Taylor	—76

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 156. An Act relating to the compensation, travel allowance and stationery allowance of members and officers of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 6.190 of the Kentucky Revised Statutes is amended to read as follows:

Each senator and representative shall receive fifteen dollars a day during his attendance on, and fifteen cents per mile

for necessary travel in going to and returning from, the sessions of the General Assembly.

§ 2. Section 6.200 of the Kentucky Revised Statutes is amended to read as follows:

The President of the Senate and Speaker of the House of Representatives shall each receive twenty dollars per day while attending the sessions of their respective bodies.

§ 3. Section 6.220 of the Kentucky Revised Statutes is amended to read as follows:

In lieu of stationery, there shall be allowed to each member of the General Assembly, including the Lieutenant Governor, the sum of $50.00. This allowance shall be paid out of the State Treasury at the beginning of the session.

§ 4. The amendments made by this Act shal not apply to any present officers or members of the General Assembly during the terms for which they were elected.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend S. B. 156 on page 1, sections 1 and 2 by striking all of sections 1 and 2 and inserting in lieu thereof the following:

Section 1. Section 6.190 of the Kentucky Revised Statutes is amended to read as follows:

Each senator and representative shall receive twenty dollars a day during his attendance on, and fifteen cents per mile for necessary travel in going to and returning from, the sessions of the General Assembly.

Section 2. Section 6.200 of the Kentucky Revised Statutes is amended to read as follows:

The President of the Senate shall receive thirty dollars per day, and the Speaker of the House of Representatives shall receive twenty-five dollars per day, while attending the sessions of their respective bodies."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Adron Doran	M. Kavanaugh
F. H. Bassett, Jr.	J. R. Dorman	G. M. Knuckles
W. G. Biggers	T. H. Dyer	J. T. Linton
Isaac Blevins	Bernie S. Edlin	Ed Marcum
Douglas T. Bolling	Dr. J. C. Gabbard	Herbert V. Moore
J. C. Bradley	Franklin Goins	J. Lee Moore
Jno. W. Burkhart	R. M. Hall	W. B. Moser
Chas. W. Burnley	Jas. P. Hallahan	C. Sid Nabb
C. D. Call	Claude Hammons	Jno. C. Newcomb
Fred Carpenter	B. C. Holbrook	Chester Peterson
Willis Champion	Benton Howard	Albert W. Pfeiffer
A. Roy Copeland	Jerry F. Howell	Sylvester Phillips
Marvin Cornett	J. J. Huff	Kleber F. Price
John Henry Cox	W. H. Hunt	Edw. P. Prichard
John P. Craig	Lee Johnson	James E. Quill
Fred Creasey	Paul S. Jonas	C. R. Reeves

L. Allen Rhoads	E. A. Spencer	John L. Trumbo
H. G. Royalty	Arthur Stallard	S. J. Wagner
Carl Scheben	Geo. W. Steinford	R. E. West
F. W. Schuhmann	Thos. M. Swope	Taylor Witt
Vernon Seaton	Egbert V. Taylor	Speaker Harry
Faust Y. Simpson	H. Thieman, Jr.	Lee Waterfield
George T. Smith	E. B. Thompson	—67

Those who voted in the negative were—

Jno. H. Clarke, Jr.	C. C. May	Robt. J. Spaulding
Wm. E. Justice	H. C. Patterson	Joe Stewart
Homer E. Losey	Wade H. Riley	Roy L. Taylor
A. L. Love	Amos Runyon	Otis C. Thomas
Pearl McKinney	Jno. W. Simmons	—14

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 111. An Act to amend Section 92.285 of the Kentucky Revised Statutes, relating to Taxation of Insurance Companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.285 of the Kentucky Revised Statutes is amended to read as follows:

(1) The legislative body of each city which is authorized to impose and collect license fees or taxes upon insurance companies for the privilege of engaging in the business of insurance shall file with the Director of the Division of Insurance a copy of all ordinances and amendements thereto which impose any such license fee or tax.

(2) Any license fee or tax imposed by such a city upon any fire insurance company shall be based upon a percentage of the premiums received by the company within the preceding calendar year, for insurance on property located within the corporate limits of the city, less all premiums returned to policyholders. A fire insurance company entering a city during a license year shall at the end thereof promptly pay to such city the full additional tax due on such percentage basis.

(3) Any license fee or tax imposed by such a city upon a life insurance company may be based upon premiums received, and if so based shall be applied to premiums from new policies written within the preceding calendar year upon the lives of persons residing within the corporate limits of such city.

(4) Any license fee or tax imposed by such a city upon any insurance company other than those specified in subsections (2) and (3) shall be based upon a percentage of the premiums received by such company within the preceding calendar year on risks located within the corporate limits of the city on those classes of business which such company is authorized to transact, less all premiums returned to policyholders, provided, however, that any license fee or tax imposed upon premium receipts on a percentage basis shall not include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workmen's Compensation Act.

(5) The license fees or taxes provided for by subsections (2), (3) and (4) of this section shall be due at the beginning of the tax year. The city may collect a fee of five dollars from any company whose fee or tax on the percentage of premium basis is less than five dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Jerry F. Howell
W. H. Hunt
Lee Johnson
Paul S. Jonas
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Pearl McKinney
Ed Marcum
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding

Geo. W. Steinford	C. W. Taylor	Harry F. Walters
Joe Stewart	Roy L. Taylor	R. E. West
Thos. M. Swope	S. J. Wagner	Taylor Witt

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Those who voted in the negative were—

J. J. Huff John L. Trumbo —2

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 141. An Act relating to inheritance taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 140.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be free from any tax under the preceding provisions of this chapter the following inheritable interests:

(a) Wife or child by blood, $25,000.

(b) All, other persons of Class A of KRS 140.070 $15,000.

(c) All persons of Class B of KRS 140.070, $5,000.

(d) To all persons of Class C, $500 of each inheritable interest shall be free from tax; provided that if the transfer exceeds $1,000 the exemption shall be decreased by subtracting from $500 the amount by which the distributable share exceeds $1,000 so that a distributable share greater than $1,500 shall receive no exemption.

(2) If the decedent was not a resident of this state the exemption shall be the same proportion of the allowable exemption in the case of residents that the property taxable by this state bears to the whole property transferred by the decedent.

(3) In calculating the tax on each share, the distributable share subject to tax shall be such amount as exceeds the amount of the exemption allowed by this section, the amount of the exemption being deducted before applying the rates prescribed by KRS 140.070.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	John Henry Cox
F. H. Bassett, Jr.	C. D. Call	John P. Craig
W. G. Biggers	Fred Carpenter	Fred Creasey
Isaac Blevins	Willis Champion	Adron Doran
Douglas T. Bolling	Jno. H. Clarke, Jr.	Dr. J. C. Gabbard
Jno. W. Burkhart	A. Roy Copeland	Chas. B. Gentry

Franklin Goins	Pearl McKinney	H. G. Royalty
J. D. Gross	Ed Marcum	Amos Runyon
R. M. Hall	Johnston Miller	Carl Scheben
Jas. P. Hallahan	Harry L. Moore	F. W. Schuhmann
Claude Hammons	Herbert V. Moore	Vernon Seaton
B. C. Holbrook	J. Lee Moore	Jno. W. Simmons
Benton Howard	W. B. Moser	Faust Y. Simpson
Clyde S. Howard	C. Sid Nabb	George T. Smith
Jerry F. Howell	Coy C. Nevitt	Robt. J. Spaulding
J. J. Huff	H. C. Patterson	E. A. Spencer
W. H. Hunt	Chester Peterson	Arthur Stallard
Lee Johnson	Albert W. Pfeiffer	Geo. W. Steinford
Paul S. Jonas	Sylvester Phillips	Joe Stewart
H. Clay Kauffman	Kleber F. Price	C. W. Taylor
M. Kavanaugh	Edw. P. Prichard	H. Thieman, Jr.
G. M. Knuckles	James E. Quill	S. J. Wagner
J. T. Linton	C. R. Reeves	Harry F. Walters
A. L. Love	Wade H. Riley	Taylor Witt

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Resolved that the tile thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 121. An Act providing for the establishment of a juvenile court in all cities of the third class which are not county seats and which are larger than the county seat of the county in which such third class city is located, except in counties wherein there are circuit courts of continuous session and which are more than ten miles from the county seat when

the distance is measured along the usually traveled road between the third class city and the county seat of the county in which such third class city is located; providing for the establishment, construction and maintenance of detention homes in such third class cities by such cities; providing for a judge of the juvenile court in such third class cities; providing for the employment of probation officers in such cities; and providing for the levying annually by such third class cities of a sufficient tax for the establishment, construction and maintenance of such detention home, which detention home shall not be connected with a jail, courthouse or city hall.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any county having therein or that may hereafter have therein a city of the third class or a portion of a city of the third class not the county seat and being more than ten miles from the county seat, the distance to be measured from the courthouse of such county seat to the city limits of such third class city or portion of such third class city, except in counties wherein there are circuit courts of continuous session along the most convenient and usually traveled highway, there is hereby established a Juvenile Court and the governing authority of such third class city may but shall not be compelled to establish, construct and maintain a detention home in such city and if such home is established shall levy annually a sufficient tax to establish, construct and maintain such detention home.

§ 2. The Judge of the Police Coourt of said city shall act and serve as Judge of this Juvenile Court, and such Court shall have exclusive jurisdiction within the limits of the city of all dependent, neglected and delinquent children as de-

fined in Section 199.010 of the Kentucky Revised Statutes. The City Prosecuting Attorney shall be Clerk of the Juvenile session of the Police Court, and he shall attend all sessions of the court and shall keep a complete and indexed record of its proceedings. For his services as such Clerk the governing authority of the city may make him a reasonable annual allowance to be paid out of the city treasury. The Judge of the Police Court may appoint a probation officer if he deems it necessary or advisable, who shall serve at the pleasure of the Judge and who may be a volunteer probation officer, or the city may pay him a reasonable compensation for his services not to exceed Fifteen Hundred ($1500.00) Dollars annually payable in equal monthly installments out of the City treasury.

§ 3. The provisions of chapter 199 of the Kentucky Revised Statutes, dealing with dependent, neglected and delinquent children and Juvenile criminals, shall apply in full force to all proceedings had in the Juvenile Courts, established under this Act, except as inconsistent with the foregoing provisions of this Act, and they are adopted as part of this Act, and if in the enforcement of this law the Juvenile Judge should commit some delinquent child to the Reform School the expense of maintaining the child shall be paid by the County in the manner now provided by law under sections 198.080 and 198.090 of the Kentucky Revised Statutes.

§ 4. The tax levying authority of such third class city shall make an annual levy of taxes in the manner now provided by law, and within the constitutional limits of taxation provided in such city, to defray such expenses as are incident to the establishment, operation and maintenance of this Juvenile Court and detention home, if such detention home is established by the city.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
E. B. Thompson
John L. Trumbo
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 151. An Act providing for the transfer of funds remaining after toll bridges in Projects 9, 10, 12, and 14 were freed, to the sinking fund of toll bridge projects where tolls have been collected by the Commonwealth of Kentucky for 10 years or more.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Commissioner of Highways is hereby ordered and directed to transfer the sum of one hundred and ninety-eight thousand, five hundred and forty-five dollars and eighteen cents ($198,545.18) now remaining in the sinking funds for State Toll Bridge Projects Nos. 9, 10, 12 and 14, as the bridges in said projects are now free and all of the revenue bonds for which the said sinking funds were created have been discharged and paid in full, and when said sum has been transferred as herein directed, it is hereby appropriated to the sinking fund containing intra state toll bridge projects where tolls have been collected by the Commonwealth of Kentucky for ten years or more and it is to be used for the payment and retirement of the revenue bonds of the Commonwealth of Kentucky against said bridge projects.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Chas. W. Burnley
Willis Champion
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Jerry F. Howell
J. J. Huff
Lee Johnson
Paul S. Jonas
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
Kleber F. Price
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
E. B. Thompson
John L. Trumbo
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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Those who voted in the negative were—

C. D. Call	Clyde S. Howard	Robt. J. Spaulding
Jno. H. Clarke, Jr.	H. C. Patterson	
R. M. Hall	Wade H. Riley	—7

Resolved that the tile thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Commiteee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 45. An Act to amend Section 287-290, Kentucky Revised Statutes, 1942, entitled "Exceptions to Maximum Debt to Banks."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 287-290, Kentucky Revised Statutes, 1942, be amended by adding after the words "State of Kentucky" in Subsection 2 the following words:

"All obligations secured or covered by guaranties or by commitments or agreements to take over or to purchase the same made by any Federal Reserve Bank or by the United States or by any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States," so that said section as amended shall read as follows:

Exceptions to maximum debt to Banks.

"In the case of obligations to banks, the limitations and restrictions of KRS 287.280, shall not apply to:

(1) Obligations of the United States or of the State of Kentucky;

(2) Obligations guaranteed as to principal and interest by the United States or the State of Kentucky; or all obligations to the extent secured or covered by guaranties or by commitments or agreements to take over or to purchase the same made by any Federal Reserve Bank or by the United States or by any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States;

(3) Obligations of Kentucky counties and school districts incurred through borrowing in anticipation of the current year's tax receipts as authorized by KRS 68.320 and 160.540."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	C. D. Call	Fred Creasey
W. G. Biggers	Willis Champion	Adron Doran
Isaac Blevins	Jno. H. Clarke, Jr.	J. R. Dorman
Douglas T. Bolling	A. Roy Copeland	T. H. Dyer
J. C. Bradley	Marvin Cornett	Bernie S. Edlin
Jno. W. Burkhart	John Henry Cox	Dr. J. C. Gabbard
Chas. W. Burnley	John P. Craig	Chas. B. Gentry

Franklin Goins	Ed Marcum	Carl Scheben
J. D. Gross	C. C. May	F. W. Schuhmann
R. M. (Coke) Hall	Harry L. Moore	Vernon Seaton
Jas. P. Hallahan	Herbert V. Moore	Leon J. Shaikun
Claude Hammons	J. Lee Moore	Jno. W. Simmons
Benton Howard	L. D. Moore	Faust Y. Simpson
Clyde S. Howard	W. B. Moser	Robt. J. Spaulding
Jerry F. Howell	C. Sid Nabb	E. A. Spencer
J. J. Huff	Joe E. Nunn	Arthur Stallard
W. H. Hunt	H. C. Patterson	Geo. W. Steinford
Lee Johnson	Chester Peterson	Joe Stewart
Paul S. Jonas	Albert W. Pfeiffer	Thos. M. Swope
Wm. E. Justice	Sylvester Phillips	C. W. Taylor
H. Clay Kauffman	Kleber F. Price	Egbert V. Taylor
M. Kavanaugh	James E. Quill	Roy L. Taylor
G. M. Knuckles	C. R. Reeves	H. Thieman, Jr.
J. T. Linton	L. Allen Rhoads	Otis C. Thomas
Homer E. Losey	Wade H. Riley	E. B. Thompson
A. L. Love	H. G. Royalty	R. E. West
Pearl McKinney	Amos Runyon	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 133. An Act relating to the compensation of county treasurers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 68.040 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the first or second class the salary of the county treasurer shall be such amount as is fixed by the fiscal court; in counties containing a city of the third class the salary of the county treasurer shall be fixed by the fiscal court at not more than $2,400 per annum; in all other counties the salary of the county treasurer shall be fixed by the fiscal court at not more than $2,000 per annum. The salary in each county shall be paid out of the county levy in equal monthly installments.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jno. H. Clarke, Jr.	Chas. B. Gentry
F. H. Bassett, Jr.	A. Roy Copeland	Franklin Goins
W. G. Biggers	Marvin Cornett	J. D. Gross
Isaac Blevins	John Henry Cox	R. M. Hall
Douglas T. Bolling	Fred Creasey	Jas. P. Hallahan
J. C. Bradley	Adron Doran	Claude Hammons
Jno. W. Burkhart	J. R. Dorman	B. C. Holbrook
Chas. W. Burnley	T. H. Dyer	Benton Howard
C. D. Call	Bernie S. Edlin	Clyde S. Howard
Willis Champion	Dr. J. C. Gabbard	Jerry F. Howell

J. J. Huff	L. D. Moore	Leon J. Shaikun
W. N. Hughes	W. B. Moser	Jno. W. Simmons
W. H. Hunt	C. Sid Nabb	Faust Y. Simpson
Paul S. Jonas	Joe E. Nunn	Robt. J. Spaulding
Wm. E. Justice	H. C. Patterson	E. A. Spencer
H. Clay Kauffman	Chester Peterson	Arthur Stallard
M. Kavanaugh	Albert W. Pfeiffer	Geo. W. Steinford
G. M. Knuckles	Sylvester Phillips	Joe Stewart
J. T. Linton	Kleber F. Price	C. W. Taylor
Homer E. Losey	James E. Quill	Egbert V. Taylor
A. L. Love	C. R. Reeves	Roy L. Taylor
Pearl McKinney	L. Allen Rhoads	H. Thieman, Jr.
Ed Marcum	Wade H. Riley	Otis C. Thomas
Johnston Miller	H. G. Royalty	E. B. Thompson
Harry L. Moore	Amos Runyon	R. E. West
Herbert V. Moore	F. W. Schuhmann	Taylor Witt
J. Lee Moore	Vernon Seaton	—80

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 42. An Act to make uniform the law of transfer of shares of stock in corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Title to a certificate and to the shares represented thereby can be transferred only,

(a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign, or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation issuing the certificate and the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Sec. 2. Nothing in this act shall be construed as enlarging the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or administrator, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Sec. 3. Nothing in this act shall be construed as forbidding a corporation,

(a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner, or

(b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

Sec. 4. The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person, though contained in a separate document.

Sec. 5. The delivery of a certificate to transfer title in accordance with the provisions of Section 1, is effectual, except as provided in Section 7, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Sec. 6. The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in Section 7, though the indorser or transferor,

(a) was induced by fraud, duress or mistake, to make the indorsement or delivery, or

(b) has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate, or

(c) has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate, or

(d) has received no consideration.

Sec. 7. If the indorsement or delivery of a certificate,

(a) was procured by fraud or duress, or

(b) was made under such mistake as to make the indorsement or delivery inequitable, or

If the delivery of a certificate was made

(c) without authority from the owner, or

(d) after the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless:

(1) The certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or,

(2) The injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights.

Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Sec. 8. Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Sec. 9. The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares, shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Sec. 10. An attempted transfer of title to a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and the obligation, if any, imposed by such promise shall be determined by the law governing the formation and performance of contracts.

Sec. 11. A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants—

(a) That the certificate is genuine,

(b) That he has a legal right to transfer it, and

(c) That he has no knowledge of any fact which would impair the validity of the certificate.

In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

Sec. 12. A mortgagee, pledgee, or other holder for security of a certificate who in good faith demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from

any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

Sec. 13. No attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until such certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined. Except where a certificate is lost or destroyed, such corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

Sec. 14. A creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such certificate or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Sec. 15. There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-laws of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate.

Sec. 16. The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby.

Sec. 17. Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a

new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees.

The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate.

Sec. 18. In any case not provided for by this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Sec. 19. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Sec. 20. A certificate is indorsed when an assignment or a power of attorney to sell, assign, or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or when the signature of such person is written without more upon the back

of the certificate. In any such cases a certificate is indorsed though it has not been delivered.

Sec. 21. The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Sec. 22. (1) In this act, unless the context or subject matter otherwise requires—

"Certificate" means a certificate of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act.

"Delivery" means voluntary transfer of possession from one person to another.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Shares" means a share or shares of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act.

"State" includes state, territory, district and insular possession of the United States.

"Transfer" means transfer of legal title.

"Title" means legal title and does not include a merely equitable or beneficial ownership or interest.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Sec. 23. The provisions of the transfer act shall apply to certificates for shares whether issued before or after the taking effect of the transfer act, and to transfers made in this state whether of certificates for shares of domestic or foreign corporations, and also, so far as applicable, to voting trust certificates and stock purchase or subscription warrants which shall be transferable in the same manner and with the same effect as certificates for shares.

Sec. 24. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 25. This act may be cited as the Uniform Stock Transfer Act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Chas. W. Anderson	J. J. Huff	James E. Quill
F. H. Bassett, Jr.	W. N. Hughes	C. R. Reeves
W. G. Biggers	W. H. Hunt	L. Allen Rhoads
Isaac Blevins	Lee Johnson	Wade H. Riley
J. C. Bradley	Wm. E. Justice	H. G. Royalty
Jno. W. Burkhart	H. Clay Kauffman	Amos Runyon
Chas. W. Burnley	M. Kavanaugh	Carl Scheben
C. D. Call	G. M. Knuckles	F. W. Schuhmann
Willis Champion	J. T. Linton	Vernon Seaton
Jno. H. Clarke, Jr.	Homer E. Losey	Leon J. Shaikun
A. Roy Copeland	A. L. Love	Jno. W. Simmons
Marvin Cornett	Pearl McKinney	Faust Y. Simpson
John Henry Cox	Ed Marcum	Robt. J. Spaulding
John P. Craig	C. C. May	E. A. Spencer
Fred Creasey	Johnston Miller	Arthur Stallard
Adron Doran	Harry L. Moore	Geo. W. Steinford
J. R. Dorman	Herbert V. Moore	Thos. M. Swope
T. H. Dyer	J. Lee Moore	C. W. Taylor
Bernie S. Edlin	L. D. Moore	Egbert V. Taylor
Dr. J. C. Gabbard	W. B. Moser	Roy L. Taylor
Chas. B. Gentry	C. Sid Nabb	H. Thieman, Jr.
Franklin Goins	Joe E. Nunn	Otis C. Thomas
R. M. Hall	H. C. Patterson	E. B. Thompson
Claude Hammons	Chester Peterson	John L. Trumbo
B. C. Holbrook	Albert W. Pfeiffer	R. E. West
Benton Howard	Sylvester Phillips	Taylor Witt
Clyde S. Howard	Kleber F. Price	
Jerry F. Howell	Edw. P. Prichard	—82

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 123. An Act providing for the maintenance of county and municipal airports by the Department of Highways.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Highways shall furnish men, machinery, materials and equipment for the maintenance of the runways only of any and all airports heretofore or hereafter established by cities, counties, or cities and counties jointly, that have paved runways and are approved by the Civil Aeronautics Administration or its legal successor and by the Department of Highways of the State of Kentucky. The maintenance work shall be performed by the Department of Highways when and as requested by the governing boards of the respective airports, as and when required to maintain same in serviceable condition according to Civil Aeronautics standards—except when such airports are under lease to the Federal Government or to a private corporation.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Isaac Blevins	Jno. W. Burkhart
W. G. Biggers	Douglas T. Bolling	Chas. W. Burnley

C. D. Call	Lee Johnson	L. Allen Rhoads
Willis Champion	Paul S. Jonas	Wade H. Riley
Jno. H. Clarke, Jr.	Wm. E. Justice	H. G. Royalty
A. Roy Copeland	H. Clay Kauffman	Amos Runyon
John Henry Cox	G. M. Knuckles	Carl Scheben
John P. Craig	J. T. Linton	F. W. Schuhmann
Fred Creasey	Homer E. Losey	Vernon Seaton
Adron Doran	A. L. Love	Leon J. Shaikun
J. R. Dorman	Pearl McKinney	Jno. W. Simmons
T. H. Dyer	Ed Marcum	Faust Y. Simpson
Bernie S. Edlin	C. C. May	Robt. J. Spaulding
Dr. J. C. Gabbard	Harry L. Moore	E. A. Spencer
Chas. B. Gentry	Herbert V. Moore	Arthur Stallard
Franklin Goins	J. Lee Moore	Joe Stewart
J. D. Gross	L. D. Moore	Thos. M. Swope
R. M. Hall	W. B. Moser	C. W. Taylor
Claude Hammons	C. Sid Nabb	Egbert V. Taylor
B. C. Holbrook	Joe E. Nunn	Roy L. Taylor
Benton Howard	H. C. Patterson	H. Thieman, Jr.
Clyde S. Howard	Chester Peterson	Otis C. Thomas
Jerry F. Howell	Sylvester Phillips	R. E. West
J. J. Huff	Kleber F. Price	Taylor Witt
W. N. Hughes	James E. Quill	
W. H. Hunt	C. R. Reeves	—76

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 124. An Act to repeal Section 28.450 of the Kentucky Revised Statutes, and to enact in lieu thereof new pro-

visions relating to compensation of reporters for Circuit Courts of continuous session in counties having a population of less than 150,000.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

I. That Section 28.450 of the Kentucky Revised Statutes be and the same is hereby amended so that said section as so amended shall read as follows, to-wit:

"Reporters for Circuit Courts of continuous session in counties having a population of less than 150,000 shall receive for their services in taking stenographic notes a salary of not less than $1800.00 nor more than $2400.00 per annum, to be fixed by the fiscal court and paid in monthly installments by the County. They shall receive for making transcripts for a person other than the county or State $.15 (fifteen cents) per one hundred words; the pages shall average thirty lines each. In civil actions involving less than $500.00 they shall receive $5.00 per day for taking stenographic notes of said actions and $.15 (fifteen cents) per one hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. In criminal cases the fee for making transcripts shall be paid by the county in which the Court is held when the transcript is made upon the motion of the Commonwealth. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county.

For duplicate copies of transcripts, reporters for circuit courts of continuous session in counties having a population

of less than 150,000 shall be allowed one-third the amount they are allowed for the original, to be paid for in the same manner as the original."

II. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Claude Hammons	H. C. Patterson
W. G. Biggers	B. C. Holbrook	Albert W. Pfeiffer
Isaac Blevins	Benton Howard	Sylvester Phillips
Douglas T. Bolling	Clyde S. Howard	James E. Quill
J. C. Bradley	Jerry F. Howell	L. Allen Rhoads
Chas. W. Burnley	J. J. Huff	Wade H. Riley
C. D. Call	W. N. Hughes	H. G. Royalty
Willis Champion	W. H. Hunt	Amos Runyon
John H. Clarke, Jr.	Lee Johnson	Carl Scheben
A. Roy Copeland	Paul S. Jonas	Vernon Seaton
Marvin Cornett	H. Clay Kauffman	Jno. W. Simmons
John P. Craig	G. M. Knuckles	Faust Y. Simpson
Fred Creasey	Pearl McKinney	George T. Smith
Adron Doran	Ed Marcum	Robt. J. Spaulding
J. R. Dorman	Harry L. Moore	E. A. Spencer
T. H. Dyer	Herbert V. Moore	Arthur Stallard
Bernie S. Edlin	W. B. Moser	Egbert V. Taylor
Dr. J. C. Gabbard	C. Sid Nabb	Roy L. Taylor
Chas. B. Gentry	Coy C. Nevitt	H. Thieman, Jr.

Otis C. Thomas R. E. West
E. B. Thompson Taylor Witt —61

Those who voted in the negative were—

J. T. Linton A. L. Love Joe Stewart
—3

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 96. An Act to repeal and re-enact Sec. 162.431, 162.435, 162.440, 162.450, 162.460 and 162.480 of the Kentucky Revised Statutes prepared by the Statue Revision Commission of the Commonwealth of Kentucky, 1942.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky that:

Sections 162.431, 162.435, 162.440, 162.450, 162.460, and 162.480 of the Kentucky Revised Statutes prepared by the Statute Revision Commission of the Commonwealth of Kentucky, be and they are hereby amended and re-enacted so that said Sections as amended and re-enacted shall read as follows:

162.431: In addition to other taxes now levied, each city of the second class shall levy, and the County Fiscal Court of a county containing a city of the second class shall levy annually such tax of not less than one cent nor more than five cents on each one hundred dollars' valuation of property assessed by the city

and/or the county, as shall be requested by the Board of Education of the independent school district embracing the city, or Board of Education of a county containing a city of the second class, at the same time the regular tax rate is fixed by the Board of Education, to provide a fund for the Board of Education for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof, and for the major alteration and enlargement of existing buildings and the complete equipping thereof. In addition to, or in lieu of, the above special tax, the board of education of any city of the second class and/or of a county containing a city of the second class may pay into this special fund, from time to time, all or any part of the receipts from the sale of land or property no longer needed for school purposes, and may from time to time pay into this special fund all or any part of any balances remaining in the general fund at the end of any fiscal year over and above the amount necessary for discharging obligations for the fiscal year in full. Any additional tax levied under this section shall come within the present permissible maximum school tax levy of school districts affected, and within such permissible maximum school tax levies as the General Assembly may hereafter determine.

162435: The Board of Education shall cause to be made annually an audit of the building fund by a certified public accountant and/or by an accountant approved by the State Department of Education.

162.440: The Board of Education of any city of the second class or of a county containing a city of the second class may, by resolution, establish a fund to be known as the "Insurance Fund" after written approval of the plan to administer said fund has been secured from the Superintendent of Public Instruction. The resolution shall state and fix the maximum limit of the fund. The fund shall be maintained separate from the other funds and moneys of the board, and shall be used exclusively for replacing or repairing any injury or destruction

to any of the buildings owned by the board or to their contents when caused by fire, tornado, windstorm, cyclone, casualty, explosion, riot or flood, but not when caused by wear and tear or the natural processes of decadence or deterioration.

162.450: The Board of Education of a city of the second class, or of a county containing a city of the second class, may raise the maximum limit of the insurance fund from time to time as it deems best. Until the amount in the fund equals the maximum limit, the Board of Education shall each year, from the revenues under its control, set apart to the fund a sum equal to from one-twentieth to one-tenth of the maximum limit of the sum. When any portion of the fund is used, payments to restore the fund shall at once be begun and be continued until the restoration is complete. When the fund is, for any reason, below the maximum limit, the interest derived from the investment thereof shall be accumulated and added to the fund; otherwise the interest may be transferred to the general funds of the board.

162.460: The insurance fund shall be kept on deposit with the treasurer of the Board of Education, unless by order of the board it is invested in United States, State, County, or City bonds that are not payable from assessments, and are registered, if practicable. If the bonds are coupon bonds they shall be kept deposited in a safe deposit vault and be opened only by the business manager or secretary of the board in the presence of a member of the board authorized to represent it. Every vote upon the use or investment of any portion of the funds shall be by call of the yeas and nays and the record shall show how each member voted.

162.480: When an injury occurs to any building or its contents from fire, tornado, windstorm, cyclone, casualty, explosion, riot or flood, the business director or secretary of the Board of Education shall, within thirty days thereafter, prepare and file with the board a sworn written proof of loss, show-

ing in detail the items of injury, and in detail an estimate of the extent of the financial loss and whether and to what extent the same is covered by insurance, with the names of the companies, the number of the policies and names of the agents. Before the Board of Education may appropriate any portion of the insurance fund, a committee appointed by the board shall report to the board in writing, answering in detail the following questions and making such recommendations as they deem best:

1. What is the entire loss on the building? When and what caused it?

2. What deduction should be made for wear and tear and the natural processes of decadence or deterioration?

3. What portion of the loss proposed to be made good from this fund resulted from causes covered by this fund?

4. Will it be practicable to make the restoration from the general fund and the proceeds of any insurance policies without the assistance from this fund?

5. If assistance is needed from this fund, how much? How will the portion so used be returned to the fund?

6. Does or does not the committee recommend an appropriation from this fund to aid in the restoration proposed? If so, how much?

WHEREAS it is necessary that county school budgets be prepared and submitted to the Fiscal Courts on or before March 20 for the fiscal year beginning July 1,

NOW, THEREFORE, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Chas. W. Burnley
John H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Adron Doran
J. R. Dorman
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
R. M. Hall
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
Johnston Miller
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
Joe E. Nunn
H. C. Patterson
Albert W. Pfeiffer
Sylvester Phillips
Kleber F. Price
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
R. E. West
Taylor Witt

—66

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 32. A concurrent resolution favoring the establishment of a Game Management Area by the Tennessee Valley Authority on the Kentucky Reservoir.

Said resolution is as follows, viz:

WHEREAS, by reason of the absence of large water areas in Kentucky the development of migratory water fowl and the opportunity for the taking of wild ducks by sportsmen have been so limited as to place Kentucky in an unfavorable position among its neighboring states; and

WHEREAS, the establishment of a Game Management Area at the Kentucky Reservoir of the Tennessee Valley Authority will furnish an opportunity for the development of Kentucky in the field of wild life protection and conservation; and

WHEREAS, the establishment of a Game Management Area at the Kentucky Reservoir of the Tennessee Valley Authority will result in better management and control of migratory water fowl, NOW, THEREFORE,

Be it Resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

§ 1. That the United States Fish and Wild Life Service, being the Federal agency charged with the responsibility for the development and protection of migratory water fowl and

being fully equipped and qualified to provide for such a development and protection of migratory water fowl, should be given authority by the Tennesse Valley Authority to operate a Game Management Area on the Kentucky Reservoir, in participation with the Tennessee Valley Authority and the Division of Game and Fish of the Department of Conservation of Kentucky.

§ 2. That the Tennessee Valley Authority and the Congress of the United States are urged to take all steps necessary to cause the establishment of a Game Management Area as above described.

§ 3. The Clerk of the Senate is directed to send a copy of this resolution to the President of the United States, to each Senator and Representative in Congress from Kentucky, to the United States Secretary of the Interior, and to the Tennessee Valley Authority.

Said resolution was then concurred in.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 44. A joint Resolution memoralizing Congress to pass a law enabling the ceiling prices on fluorspar to be increased.

Said resolution is as follows, viz:

WHEREAS, fluorspar is a vital and necessary ore, highly essential in the war effort and whereas the present ceiling prices on fluorspar are entirely too low to encourage the proper production of this necessary material,

NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the General Assembly of the Commonwealth of Kentucky memoralizes the Congress of the United States that it, at the earliest possible date, take such action as may be necessary to increase by 10% the ceiling price of fluorspar, and to take such additional action as may be necessary to authorize and require the approval of such increase, in order to insure a sufficient supply of fluorspar to meet the war requirements.

§ 2. Copies of this resolution shall be sent to the President and Chief Clerk of the Senate of the United States, the United States Senator from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States and the Representatives in Congress from Kentucky.

Said resolution was then concurred in.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. B. 74. An Act relating to lis pendens notices.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 382.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) No action, cross-section, counterclaim, or any other proceeding, except actions for forcible detainer or forcible entry or detainer, commenced or filed in any court of this state, in which the title to, or the possession or use of, or any lien, tax, assessment or charge on real property, or any interest therein, is in any manner affected or involved, nor any order nor judgment therein, nor any sale or other proceeding, nor any pro-

ceeding in, nor judgment or decree rendered, in a district court of the United States, shall in any manner affect the right, title or interest of any subsequent purchaser, lessee, or encumbrancer of such real property, or interest for value and without notice thereof, except from the time there is filed, in the office of the county clerk of the county in which such real property or the greater part thereof lies, a memorandum stating:

(a) The number of the action, if it is numbered, and the style of such action or proceeding and the court in which it is commenced, or is pending;

(b) The name of the person whose right, title, interest in, or claim to, real property is involved or affected; and

(c) A description of the real property in the county thereby affected.

(2) Such notice may be filed by any party in interest. No notice shall extend to the interest of any person not designated therein, nor to any real property or interest except that described therein, and when any amendment is made in the action or proceeding changing the description of the real property, or interest involved or affected, or extending the claim against the property, the party filing such notice shall file a new notice.

(3) Where the real property so affected consists of tracts lying in different counties, a separate notice shall be filed in each county as to the tract lying in that county.

§ 2. A new section of the Kentucky Revised Statutes is created, to read as follows:

Any county clerk shall receive for record any certified copy of any matter in reference to bankruptcy which any Act of Congress of the United States may provide for as being necessary to be filed in the county wherein lands of a bankrupt are situated

in order to be notice of said bankruptcy. Such certified copy shall be recorded in the record of deeds and indexed in the general index of deeds in the name of the bankrupt, as grantor, and in the name of the trustee in bankruptcy or receiver (if any,) as grantee. The county clerk shall be entitled to a fee of fifty cents for recording each such certified copy, to be paid by the person who offers the copy for recording.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Jerry F. Howell	H. C. Patterson
Isaac Blevins	J. J. Huff	Sylvester Phillips
J. C. Bradley	W. N. Hughes	Kleber F. Price
Chas. W. Burnley	W. H. Hunt	Edw. P. Prichard
Jno. H. Clarke, Jr.	Lee Johnson	James E. Quill
A. Roy Copeland	Wm. E. Justice	C. R. Reeves
Marvin Cornett	J. T. Linton	L. Allen Rhoads
John Henry Cox	Homer E. Losey	Wade H. Riley
John P. Craig	Pearl McKinney	H. G. Royalty
Adron Doran	Ed Marcum	Amos Runyon
J. R. Dorman	C. C. May	Carl Scheben
Bernie S. Edlin	Harry L. Moore	F. W. Schuhmann
Chas. B. Gentry	Herbert V. Moore	Vernon Seaton
Franklin Goins	J. Lee Moore	Jno. W. Simmons
Claude Hammons	L. D. Moore	Faust Y. Simpson
B. C. Holbrook	C. Sid Nabb	Robt. J. Spaulding
Benton Howard	Coy C. Nevitt	E. A. Spencer
Clyde S. Howard	Joe E. Nunn	Arthur Stallard

Geo. W. Steinford	Roy L. Taylor	R. E. West	
Joe Stewart	H. Thieman, Jr.	Taylor Witt	
Thos. M. Swope	Otis C. Thomas		
Egbert V. Taylor	E. B. Thompson		—64

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 150. AN ACT relating to escheated, abandoned, and unclaimed property.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of section 393.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) It shall be the duty of all state and National banks, trust companies, or other persons, and courts of this Commonwealth or the agents thereof, whether holding estates or property as bailee, depository, debtor, trustee, executor, liquidator, administrator, distibutor, receiver or in any other capacity coming within the purview of KRS 393.060 to 393.100, to report annually to the department as of July 1, all property held by them declared by this chapter to be presumed abandoned. The report shall be filed in the office of the department on or before September 1 of each year for the preceeding July

1, and shall give the name of the owner, his last known address, the amount and kind of property, and such other information as the department may require for the administration of this chapter. The report shall be made in duplicate; the original shall be retained by the department, and the copy shall be mailed to the sheriff of the county where the property is located or held. It shall be the duty of the sheriff to post said copy on the courthouse door or the courthouse bulletin board, and also to publish said copy in at least two issues of a newspaper published in the county seat or, if no newspaper is published in the county seat, then in a newspaper of general circulation in the county. The list shall be published within thirty days of its receipt by the sheriff. The cost of the publication shall be paid by the state. The sheriff shall immediately certify in writing to the department the dates when the list was posted and published. The list shall be posted and published as required on or before October 1 of the year when it is made, and such posting and publishing shall be constructive notice to all interested parties and shall be in addition to any other notice provided by statute or existing as a matter of law.

§ 2. Section 287.410 of the Kentucky Revised Statutes is repealed.

Ordered that said bill be read the third time.

The Cosntitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Chas. W. Burnley	John P. Craig
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Fred Creasey
J. C. Bradley	John Henry Cox	Adron Doran

J. R. Dorman	C. C. May	Vernon Seaton
Bernie S. Edlin	Harry L. Moore	Jno. W. Simmons
Dr. J. C. Gabbard	Herbert V. Moore	Faust Y. Simpson
Franklin Goins	J. Lee Moore	Robt. J. Spaulding
Claude Hammons	L. D. Moore	E. A. Spencer
B. C. Holbrook	C. Sid Nabb	Arthur Stallard
Benton Howard	Coy C. Nevitt	Geo. W. Steinford
Clyde S. Howard	Joe E. Nunn	Joe Stewart
Jerry F. Howell	H. C. Patterson	Thos. M. Swope
W. N. Hughes	Chester Peterson	C. W. Taylor
W. H. Hunt	Albert W. Pfeiffer	Egbert V. Taylor
Lee Johnson	Edw. P. Prichard	Roy L. Taylor
Wm. E. Justice	James E. Quill	H. Thieman, Jr.
H. Clay Kauffman	C. R. Reeves	Otis C. Thomas
J. T. Linton	L. Allen Rhoads	E. B. Thompson
Homer E. Losey	Wade H. Riley	R. E. West
A. L. Love	H. G. Royalty	Taylor Witt
Pearl McKinney	Carl Scheben	
Ed Marcum	F. W. Schuhmann	—64

Those who voted in the negative were—

A. Roy Copeland —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and a resolution which originated in this House, entitled:

H. B. 160. An Act concerning powers of attorney

granted by persons serving in or present with the armed forces of the United States.

H. B. 162. An Act to provide the appointment of a conservator under certain circumstances, for property of persons in or with the armed forces of the United States.

And that they had receded from amendments heretofore proposed and adopted by the Senate to a resolution which originated in this House entitled:

H. Res. 59. A Joint Resolution authorizing suits against the Commonwealth of Kentucky.

And had passed said resolution.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

And that they had passed a resolution which originated in the Senate, entitled:

S. Res. 17. Resolution providing for the issual of license to Grover Cleveland Bentley to practice dentistry in this Commonwealth.

Ordered that said resolution be referred to the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 69. An Act to amend and re-enact section 352.340 Kentucky Revised Statutes, relating to the duties of Mine Foreman.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 352.340 of Kentucky Revised Statutes be amended and re-enacted, so when said section is re-enacted, it shall read as follows:

352.340.—*Examination of Mine by Mine Foreman or His Assistants*; *Removal of Dangers*; *Record.* The mine foreman or his assistants shall visit and carefully examine each working place in the mine each day or oftener while the mine employees are at work, and shall direct the miners so that each working place shall be secured by props or timbers where necessary; and on such visit, he shall inquire of the miner and obtain from him the number and kinds of timbers, props and caps that will be needed in said miner's working place for the next succeeding shift, and shall see that all such timbers, props and caps, so requistioned, are delivered to his working place. He shall examine as live workings, on regular inspections, all places in live sections that are temporarily abandoned. If the mine foreman finds any place to be in a dangerous condition, he shall not leave the place until it is made safe, or until the employees working therein are removed until the place is made safe. He shall see that every mine liberating explosive gas is kept free of standing gas in all working places and roadways, and that all accumulations of explosive or noxious gases in the worked-out or abandoned portions of any mine are removed as soon as possible after discovery. He shall not allow any person who may be endangered by the presence of explosive or noxious gases to enter that portion of the mine until the gases have been removed. He shall direct and see that all dangerous places and the entrances to worked-out places and abandoned places in all mines are properly fenced off across the openings, so that no person can enter, and that danger signals are posted upon the fencing to warn persons of existing danger. He shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss or any person working in the

mine, and if it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists. He or his assistants shall, at least once every week, travel and examine all the air courses, roads and openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found. The record shall be kept with ink or indelible pencil in the record book provided for that purpose.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Wm. E. Justice	Sylvester Phillips
Chas. W. Burnley	J. T. Linton	L. Allen Rhoads
A. Roy Copeland	Homer E. Losey	Faust Y. Simpson
John Henry Cox	A. L. Love	Arthur Stallard
Fred Creasey	Pearl McKinney	H. Thieman, Jr.
Adron Doran	L. D. Moore	Taylor Witt
J. R. Dorman	C. Sid Nabb	Speaker Harry
Franklin Goins	Joe E. Nunn	Lee Waterfield
W. H. Hunt	Albert W. Pfeiffer	—25

Those who voted in the negative were—

Isaac Blevins	John P. Craig	J. J. Huff
Douglas T. Bolling	T. H. Dyer	W. N. Hughes
J. C. Bradley	Chas. B. Gentry	Lee Johnson
Jno. H. Clarke, Jr.	Claude Hammons	H. Clay Kauffman
Marvin Cornett	B. C. Holbrook	Ed Marcum

Harry L. Moore	C. R. Reeves	Geo. W. Steinford
Herbert V. Moore	Wade H. Riley	Joe Stewart
J. Lee Moore	Amos Runyon	C. W. Taylor
W. B. Moser	Carl Scheben	Egbert V. Taylor
Coy C. Nevitt	F. W. Schuhmann	Roy L. Taylor
H. C. Patterson	Vernon Seaton	Otis C. Thomas
Kleber F. Price	Jno. W. Simmons	E. B. Thompson
James E. Quill	Robt. J. Spaulding	R. E. West

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Mr. Quill moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 118. An Act relating to veterans of the World Wars and amending Section 164.480 and repealing Section 164.510, Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 164.480 Kentucky Revised Statutes is amended and re-enacted so that said section as amended and re-enacted shall read as follows:—

"Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department as a part of such service, during the wars that were declared on April 6, 1917, and any wars declared thereafter, respectively, and who

at the time of his enlistment was a resident of Kentucky, is entitled to a free scholarship in any State higher educational institution for white or colored persons that he chooses for a period required for the completion of the course of study selected by him. The scholarship includes free tuition, matriculation and other fees, room rent, fuel and lights, and the advantages and privileges of the institution, but does not include free board.''

Provided, however, that if the Federal Government provides for the education of veterans of any of the wars herein referred to, then this Act shall not apply to such veterans.

Section 2. Section 164.510 Kentucky Revised Statutes be and the same is hereby repealed.

WHEREAS, many persons are now being discharged from the various branches of the armed forces and desire to resume their education but are financially unable to defray the expenses incident thereto, an emergency is hereby declared to exist and this Act shall become immediately effective after it its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	J. C. Bradley	A. Roy Copeland
Isaac Blevins	Chas. W. Burnley	John Henry Cox
Douglas T. Bolling	Jno. H. Clarke, Jr.	John P. Craig

Fred Creasey	J. T. Linton	Amos Runyon
Adron Doran	Homer E. Losey	Carl Scheben
J. R. Dorman	A. L. Love	F. W. Schuhmann
T. H. Dyer	Pearl McKinney	Vernon Seaton
Bernie S. Edlin	Ed Marcum	Jno. W. Simmons
Dr. J. C. Gabbard	C. C. May	Faust Y. Simpson
Chas. B. Gentry	Harry L. Moore	Robt. J. Spaulding
Franklin Goins	Herbert V. Moore	Arthur Stallard
Claude Hammons	J. Lee Moore	Geo. W. Steinford
B. C. Holbrook	C. Sid Nabb	Joe Stewart
Benton Howard	Coy C. Nevitt	Thos. M. Swope
Clyde S. Howard	Joe E. Nunn	C. W. Taylor
Jerry F. Howell	H. C. Patterson	Egbert V. Taylor
J. J. Huff	Kleber F. Price	Roy L. Taylor
W. N. Hughes	James E. Quill	H. Thieman, Jr.
Wm. E. Justice	C. R. Reeves	E. B. Thompson
H. Clay Kauffman	H. G. Royalty	R. E. West

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 272. An Act relating to the duties and compensation of the County Tax Commissioners, etc.

With an amendment thereto as proposed and adopted by the Senate.

Ordered that said bill be laid on the Clerk's Desk.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, the following bills and resolutions, viz.:

H. B. 219. An Act relating to game and fish.

H. B. 52. An Act authorizing agreements consolidating oil and gas leases to be executed by trustees under court appointment in cases where contingent future interests are involved.

H. B. 60. An Act authorizing oil, gas and mineral leases and providing for the management of funds and income received therefrom where contingent future interests are involved.

H. B. 252. An Act relating to fire protection.

H. B. 5. An Act relating to registration fees for motor vehicles.

H. B. 276. An Act to enable any city to establish, maintain and use a Public Works Cumulative Reserve Fund.

H. B. 306. An Act relating to publication of financial statements of governmental units.

H. B. 213. An Act relating to local health units.

H. B. 178. An Act to create the office of assistant Commonwealth's Attorney in Judicial Districts having a population of less than 200,000.

H. B. 54. An Act authorizing agreements consolidating oil and gas leases to be executed by committees of persons of unsound mind.

H. B. 53. An Act authorizing agreements consolidating oil and gas leases to be executed by guardians of minors.

H. B. 294. An Act relating to compensation of circuit clerks.

H. B. 199. An Act relating to the operation of games of chance and gambling devices at the State Fair.

H. B. 274. An Act relating to water districts.

H. B. 330. An Act relating to record books required by circuit and county clerks.

H. B. 259. An Act relating to narcotic drugs.

H. B. 194. An Act to amend Section 132.630 KRS and especially Section 2 thereof.

H. B. 307. An Act to promote the public welfare, comfort, health and safety by providing supplemental transportation along highways, which have no sidewalks, etc.

H. Res. 33. Resolution for the benefit of Mrs. Gertie Gresham.

H. Res. 11. Resolution authorizing S. S. Oldfield to sue the Commonwealth.

H. B. 313. An Act relating to the teaching of the Conservation and Preservation of Natural Resources in the Public Schools of Kentucky.

H. B. 314. An Act to regulate, control and fix standard weights of wheat flour, label and the size of containers for same.

H. B. 202. An Act relating to individuals exempt from poll tax.

H. B. 333. An Act relating to deputy sheriffs.

H. B. 325. An Act relating to the payment of jurors; compensation of clerks.

H. B. 155. An Act relating to assessment of property for taxation and to the duties of the County Board of Supervisors.

H. B. 94. An Act relating to the compensation of justices and commissioners for serving on Fiscal Courts and committees thereof.

H. B. 233. An Act relating to boxing and wrestling.

H. B. 283. An Act relating to county tax commissioners.

H. B. 243. An Act relating to alcoholic beverages.

H. Res. 37. Resolution for the benefit of officers and employees of the House and Senate.

H. B. 370. An Act to aid in the enforcement of the National Wartime Stabilization program.

H. Res. 38. Resolution authorizing Earl Dacon, etc. to sue the Commonwealth.

S. B. 97. An Act appropriating money from the General Fund of the Commonwealth of Kentucky for the fiscal year ending June 30, 1944, supplementing appropriations heretofore made by the General Assembly.

H. B. 295. An Act relating to compensation of county jailers.

H. B. 145. An Act to amend and re-enact Sec. 28.310 KRS as revised by the Statutes Revision Commission.

H. B. 116. An Act relating to State Parks.

H. B. 289. An Act relating to railroad property.

H. B. 206. An Act relating to taxation of the shares of stock of corporations.

H. B. 377. An Act relating to parole.

H. B. 262. An Act relating to airports in counties containing a city of the first class.

H. B. 380. An Act for the protection of persons under eighteen years of age selling newspapers at retail.

H. B. 182. An Act relating to hunting and fishing license.

Thereupon all other business was suspended and said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said resolutions and bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Quill moved that the House do now adjourn to meet again on tomorrow at 11:00 A. M.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 15, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz:

Chas. W. Anderson	Thos. S. Dawson	W. N. Hughes
Henry Arrowood	Adron Doran	W. H. Hunt
F. H. Bassett, Jr.	J. R. Dorman	Lee Johnson
W. G. Biggers	T. H. Dyer	Paul S. Jonas
Isaac Blevins	Bernie S. Edlin	Wm. E. Justice
Douglas T. Bolling	Harry W. Ennis	H. Clay Kauffman
J. C. Bradley	Dr. J. C. Gabbard	M. Kavanaugh
Jno. W. Burkhart	Chas. B. Gentry	G. M. Knuckles
Chas. W. Burnley	Franklin Goins	J. T. Linton
C. D. Call	J. D. Gross	Homer E. Losey
Fred Carpenter	R. M. Hall	A. L. Love
Willis Champion	Jas. P. Hallahan	Pearl McKinney
John H. Clarke, Jr.	Claude Hammons	Ed Marcum
A. Roy Copeland	B. C. Holbrook	C. C. May
Marvin Cornett	Benton Howard	Johnston Miller
John Henry Cox	Clyde S. Howard	Harry L. Moore
John P. Craig	Jerry F. Howell	L. D. Moore
Fred Creasey	J. J. Huff	W. B. Moser

C. Sid Nabb	Wade H. Riley	Thos. M. Swope
Jno. C. Newcomb	H. G. Royalty	C. W. Taylor
Joe E. Nunn	Amos Runyon	Egbert V. Taylor
H. C. Patterson	Carl Scheben	Roy L. Taylor
Chester Peterson	F. W. Schuhmann	H. Thieman, Jr.
Albert W. Pfeiffer	Vernon Seaton	Otis C. Thomas
Sylvester Phillips	Leon J. Shaikun	E. B. Thompson
J. Gip Prather	Jno. W. Simmons	John L. Trumbo
L. W. Preston	Faust Y. Simpson	S. J. Wagner
Kleber F. Price	Robt. J. Spaulding	Harry F. Walters
Edw. P. Prichard	E. A. Spencer	R. E. West
James E. Quill	Arthur Stallard	Taylor Witt
C. R. Reeves	Geo. W. Steinford	Speaker Harry
L. Allen Rhoads	Joe Stewart	Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

At the instance of the Committee on Rules, Mr. Quill offered the following resolution, viz:

H. Res. 84. A concurrent resolution commending the Kentucky Statutes Revision Commission.

Said resolution is as follows, viz:

A Concurrent Resolution commending the Kentucky Statutes Revision Commission.

Whereas, the Kentucky Statutes Revision Commission has has cooperated with the members of this General Assembly and has, at all times, been available to the members for assistance in the drafting or revision of bills and resolutions, and

Whereas, their assistance has been of inestimable value

in connection with the preparation of proposed legislation, now therefore

Be It Resolved by the House of Representatives, the Senate concurring therein:

That the House of Representatives and the Senate of Kentucky express to Mr. Robert Cullen and Mr. L. C. Turner and their assistants, their appreciation for their services and their gratitude for their splendid cooperation.

Said Resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Clerk's Desk, a bill entitled:

H. B. 272. An Act relating to the duties and compensation of the County Tax Commissioners.

With amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 6)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. B. 272 by striking from the printed bill Section 3 thereof, being all of lines 10, 11, and 12 of the printed bill.

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

There voted in the affirmative—

Chas. W. Anderson	J. J. Huff	C. R. Reeves
Henry Arrowood	W. N. Hughes	L. Allen Rhoads
F. H. Bassett, Jr.	W. H. Hunt	Wade H. Riley
W. G. Biggers	Lee Johnson	H. G. Royalty
Isaac Blevins	Paul S. Jonas	Amos Runyon
J. C. Bradley	Wm. E. Justice	Carl Scheben
Jno. W. Burkhart	H. Clay Kauffman	F. W. Schuhmann
Chas. W. Burnley	M. Kavanaugh	Vernon Seaton
C. D. Call	G. M. Knuckles	Leon J. Shaikun
Fred Carpenter	J. T. Linton	Jno. W. Simmons
Willis Champion	Homer E. Losey	Faust Y. Simpson
Jno. H. Clarke, Jr.	Pearl McKinney	Robt. J. Spaulding
A. Roy Copeland	Ed Marcum	E. A. Spencer
Marvin Cornett	Johnston Miller	Arthur Stallard
John Henry Cox	Harry L. Moore	Geo. W. Steinford
John P. Craig	Herbert V. Moore	Joe Stewart
Thos. S. Dawson	L. D. Moore	Thos. M. Swope
Adron Doran	W. B. Moser	C. W. Taylor
J. R. Dorman	C. Sid Nabb	Egbert V. Taylor
T. H. Dyer	Joe E. Nunn	Roy L. Taylor
Bernie S. Edlin	Chester Peterson	E. B. Thompson
Dr. J. C. Gabbard	Albert W. Pfeiffer	Harry F. Walters
Chas. B. Gentry	Sylvester Phillips	R. E. West
J. D. Gross	J. Gip Prather	Taylor Witt
Jas. P. Hallahan	L. W. Preston	Speaker Harry
B. C. Holbrook	Kleber F. Price	Lee Waterfield
Clyde S. Howard	Edw. P. Prichard	
Jerry F. Howell	James E. Quill	—81

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 11. A Resolution authorizing A. B. Campbell to sue the Commonwealth of Kentucky, and the State Highway Department of Kentucky, either or both.

Said resolution is as follows. viz:

WHEREAS, A. B. Campbell on February 11, 1943, was injured and the truck he was driving was seriously damaged by a large beech tree and other debris falling from the side of State Highway No. 15, near the Perry County line in Breathitt County, Kentucky, and that said accident and injuries were caused by reason of the alleged failure of the State Highway Department and its employes through their carelessness and negligence to remove said tree and debris prior to the accident when it was known to them to be in a position dangerous to the traveling public.

Be it Enacted by the General Assembly to the Commonwealth of Kentucky:

That A. B. Campbell is hereby authorized and permitted to sue the Commonwealth of Kentucky, and the State Highway Department of Kentucky, both or either of them, in the Circuit Court of Breathitt County, Kentucky, for such damages as he suffered by reason of personal injury or injuries, and also damages to this truck, brought about through the alleged carelessness and negligence of the State Highway Department of Kentucky, its agents or employes. In the event any judgment is recovered by A. B. Campbell in any such suit or suits for personal injuries or property damage or the same is compromised

or settled the same shall be paid by the Commissioner of Finance by warrant or warrants drawn on the State Treasury and paid out of the Highway Fund.

Anything contained in this resolution shall not be considered by either the Court or jury as substantive evidence on the merits of the alleged claim and the Court shall instruct the jury that the resolution authorizing this suit or suits shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the claimant.

Provided that the amount sued on for personal injuries shall not exceed the sum of $5,000.00 and the amount sued on for property damage shall not exceed the sum of $300.00.

Mr. Quill offered the following amendment thereto by way of Substitute therefor, viz:

HOUSE SUBSTITUTE FOR SENATE RESOLUTION NO. 11

A JOINT RESOLUTION authorizing suits against the Commonwealth of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. The following named persons are authorized to sue the Commonwealth of Kentucky, in the circuit court of the county, and in an amount not exceeding the amount, and for the cause, each as hereinafter set opposite their names:

Name-Address	Circuit Court	Maximum Amount	Cause
A. B. Campbell, Breathitt County, Ky.	Breathitt	$5,300.00	Negligence of Dept. of Highways and employes.

A. E. and Myrtle Funk, Frankfort, Ky. Franklin	$2,500.00	Negligence of Dept. of Highways.
Joe and Myrtle Nickell, Wolf County, Ky., Wolfe	$1,000.00	Negligence of Dept. of Highways and Employes..
Charles Jarboe, Breckinridge County, Ky. Breckinridge	$3,000.00	Negligence of Dept. of Highways and Employes.
Bud Burkhart, Harlan, Ky. Harlan	$1,250.00	Negligence of Dept. of Highways.
Robert Lewis, Laurel County, Ky. Laurel	$10,000.00	Negligence of State Employe.
Floyd Arnett, Morgan County, Ky. Morgan	$2,000.00	Negligence of Dept. of Highways and Employes.
Richard Campbell, Laurel County, Ky. Laurel	$10,000.00	Negligence of State Employe.
Personal Representative of Les Ward, Deceased, Morehead, Rowan	$10,000.00	For death of Les Ward who was killed while assisting a State Highway Patrolman in endeavoring to arrest a fugitive or law violator, and for which the moral obligation of the Commonwealth to idemnify his estate is hereby

			recognized, acknowledged and validated. Section 5 of this Resolution shall not apply to this claim.
Brent Hinton, Logan County, Ky.	Logan	$3,500.00	Negligence of State Employe.
George Henderson, Logan County, Ky.	Logan	$1,000.00	Negligence of State Employe.
James C. Ray, Logan County, Ky.	Logan	$3,500.00	Negligence of State Employe.
B. H. Kelley, Henry County, Ky.	Henry	$3,000.00	Injury by Dept. of Highways.
A. B. (Yank) Boyd, Logan County, Ky.	Logan	$2,113.50	Negligence of State Employe.
N. E. Christian, Logan County, Ky.	Logan	$1,000.00	Negligence of Dept. of Highways.
R. C. Bradley, Simpson County, Ky.	Simpson	$2,610.96 and interest.	Overpayment of tax.

§ 2. The Attorney-General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suits or by settlement with the Attorney-General shall be paid out of the General Fund upon warrant by the Commissioner of Finance upon the State Treasurer.

§ 3. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

§ 4. No statement in this resolution shall be considered

by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

§ 5. The authority given to sue the Commonwealth is dependent upon showing that the employment was with the Commonwealth and not with an independent contractor.

Said Substitute was then adopted.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	John P. Craig	W. N. Hughes
Henry Arrowood	Fred Creasey	W. H. Hunt
F. H. Bassett, Jr.	Thomas S. Dawson	Lee Johnson
W. G. Biggers	Adron Doran	Paul S. Jonas
Douglas T. Bolling	T. H. Dyer	M. Kavanaugh
J. C. Bradley	Bernie S. Edlin	G. M. Knuckles
Jno. W. Burkhart	Dr. J. C. Gabbard	J. T. Linton
Chas. W. Burnley	Chas. B. Gentry	A. L. Love
C. D. Call	J. D. Gross	Pearl McKinney
Fred Carpenter	Jas. P. Hallahan	Ed Marcum
Willis Champion	Claude Hammons	C. C. May
Jno. H. Clarke, Jr.	B. C. Holbrook	Johnston Miller
A. Roy Copeland	Clyde S. Howard	Harry L. Moore
Marvin Cornett	Jerry F. Howell	Herbert V. Moore
John Henry Cox	J. J. Huff	L. D. Moore

W. B. Moser	L. Allen Rhoads	Arthur Stallard
C. Sid Nabb	Wade H. Riley	Geo. W. Steinford
Jno. C. Newcomb	H. G. Royalty	Joe Stewart
Chester Peterson	Amos Runyon	Thos. M. Swope
Albert W. Pfeiffer	Carl Scheben	C. W. Taylor
Sylvester Phillips	F. W. Schuhmann	Egbert V. Taylor
J. Gip Prather	Vernon Seaton	Roy L. Taylor
L. W. Preston	Leon J. Shaikun	E. B. Thompson
Kleber F. Price	Jno. W. Simmons	John L. Trumbo
Edw. P. Prichard	Faust Y. Simpson	R. E. West
James E. Quill	Robt. J. Spaulding	Taylor Witt
C. R. Reeves	E. A. Spencer	—80

Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said resolution was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 20. A Resolution appropriating from the general fund of the Commonwealth the sum of $191.20 to pay claims for services rendered by Lee B. Keslar in performance of his duties as sheriff of Campbell County.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund, the sum of $191.20, payable to Lee B. Keslar for services rendered

in apprehending, arresting and delivering Doc Warren to the Campbell Circuit Court upon a murder charge as a fugitive from justice and in returning him from Springfield, Missouri, to Newport, Kentucky. The Department of Finance shall draw its warrant upon the Treasurer of the Commonwealth for said amount of $191.20, all of which shall be payable to the said Lee B. Keslar as sheriff of Campbell County.

Mr. Quill offered the following amendment thereto by way of Substitute therefor, viz.:

HOUSE SUBSTITUTE FOR SENATE RESOLUTION NO. 20

A Joint Resolution authorizing the payment of claims against the Commonwealth of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth is indebted to the hereinafter named persons, in the amount set forth opposite their names, and for the reason there indicated, and it further appearing that said claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to their payment, and the amount necessary to pay said claims is hereby appropriated out of the General Fund for that purpose.

Name—Address	Amount	Reason
Lee B. Keslar, Newport, Ky.	$191.20	Payment of claim for returning fugitive from justice.

Wardrup Provision Co., Harlan, Ky.	$126.00	Payment of claim for meals furnished Ky. National Guard members on duty.
Charles C. Waggoner, Graves County, Ky.	$ 84.31	Payment of claims for returning fugitives from justice.

Said Substitute was then adopted.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	John P. Craig	J. J. Huff
Henry Arrowood	Fred Creasey	W. N. Hughes
F. H. Bassett, Jr.	Thos. S. Dawson	W. H. Hunt
W. G. Biggers	Adron Doran	Lee Johnson
Isaac Blevins	Bernie S. Edlin	Paul S. Jonas
Douglas T. Bolling	Dr. J. C. Gabbard	Wm. E. Justice
J. C. Bradley	Chas. B. Gentry	M. Kavanaugh
Jno. W. Burkhart	Franklin Goins	G. M. Knuckles
Chas. W. Burnley	J. D. Gross	J. T. Linton
C. D. Call	Jas. P. Hallahan	A. L. Love
Willis Champion	Claude Hammons	Pearl McKinney
Jno. H. Clarke, Jr.	B. C. Holbrook	Ed Marcum
A. Roy Copeland	Chester Peterson	C. C. May
Marvin Cornett	Clyde S. Howard	Johnston Miller
John Henry Cox	Jerry F. Howell	Harry L. Moore

Herbert V. Moore	Edw. P. Prichard	E. A. Spencer
L. D. Moore	James E. Quill	Arthur Stallard
W. B. Moser	C. R. Reeves	Geo. W. Steinford
C. Sid Nabb	L. Allen Rhoads	Joe Stewart
Jno. C. Newcomb	Wade H. Riley	Thos. M. Swope
Joe E. Nunn	H. G. Royalty	Egbert V. Taylor
H. C. Patterson	Amos Runyon	Roy L. Taylor
Albert W. Pfeiffer	Carl Scheben	E. B. Thompson
Sylvester Phillips	F. W. Schuhmann	John L. Trumbo
J. Gip Prather	Vernon Seaton	Taylor Witt
Harry F. Walters	Leon J. Shaikun	
L. W. Preston	Jno. W. Simmons	
Kleber F. Price	Robt. J. Spaulding	—81

Resolved that the title thereof be as amended.

Mr. Quill moved that the vote by which said resolution was adopted, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 34. A joint Resolution relating to the establishment of boundary lines between the counties of Barren, Hart and Edmonson.

Said resolution is as follows, viz.:

WHEREAS, the boundary lines between the counties of Barren, Hart and Edmonson are not well established and the true location of such boundary lines is in dispute, NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That there is created a commission for the purpose of making an adequate and suitable survey of the boundary lines between the counties of Barren, Hart and Edmonson, and determining the true location and course of such boundary lines.

Sec. 2. That the commission shall consist of two persons appointed by the Speaker of the House of Representatives, two persons appointed by the Lieutenant Governor, and the county attorneys of Barren, Hart and Edmonson Counties. The persons appointed by the Speaker of the House of Representatives and the Lieutenant Governor shall be persons who are not residents of the counties in question. One of the members appointed by the Speaker of the House of Representatives shall be designated by him as chairman of the commission. The members of the commission shall serve without compensation but shall be reimbursed for necessary traveling expenses.

Sec. 3. The commission hereby established shall cause an adequate and suitable survey to be made of the boundaries between the counties of Barren, Hart and Edmonson, and may employ a surveyor or surveyors for the purpose. Upon the basis of such survey and upon such other information as may be available, the commission shall determine and shall report to the 1946 General Assembly what it finds to be the true boundary lines.

Sec. 4. There is hereby appropriated to the commission, out of the General Fund, for the purposes set forth in this resolution, the sum of two thousand, five hundred dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Claude Hammons	Chester Peterson
Henry Arrowood	B. C. Holbrook	Albert W. Pfeiffer
F. H. Bassett, Jr.	Clyde S. Howard	J. Gip Prather
W. G. Biggers	Jerry F. Howell	L. W. Preston
Isaac Blevins	J. J. Huff	Kleber F. Price
Douglas T. Bolling	W. N. Hughes	Edw. P. Prichard
J. C. Bradley	W. H. Hunt	James E. Quill
Jno. W. Burkhart	Lee Johnson	C. R. Reeves
Chas. W. Burnley	Paul S. Jonas	L. Allen Rhoads
C. D. Call	H. Clay Kauffman	H. G. Royalty
Fred Carpenter	M. Kavanaugh	Amos Runyon
Jno. H. Clarke, Jr.	G. M. Knuckles	Carl Scheben
A. Roy Copeland	J. T. Linton	F. W. Schuhmann
Marvin Cornett	A. L. Love	Vernon Seaton
John Henry Cox	Pearl McKinney	Leon J. Shaikun
John P. Craig	Ed Marcum	Jno. W. Simmons
Fred Creasey	C. C. May	Faust Y. Simpson
Thos. S. Dawson	Johnston Miller	E. A. Spencer
Adron Doran	Harry L. Moore	Arthur Stallard
J. R. Dorman	Herbert V. Moore	Joe Stewart
T. H. Dyer	L. D. Moore	C. W. Taylor
Bernie S. Edlin	W. B. Moser	Egbert V. Taylor
Dr. J. C. Gabbard	C. Sid Nabb	Roy L. Taylor
Chas. B. Gentry	Jno. C. Newcomb	E. B. Thompson
Franklin Goins	Joe E. Nunn	John L. Trumbo
J. D. Gross	H. C. Patterson	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 19. Resolution authorizing conveyance by the Commonwealth to the National Government of the United States of title to the Blue Licks Battlefield State Park Tract of Land.

Said bill is as follows, viz.:

WHEREAS, by a certain Joint Resolution approved March 27, 1926, being Chapter 367 of the Acts of the regular session of the General Assembly of Kentucky in the year 1926, an appropriation was made for the erection on the battlefield of the Blue Licks of a monument in commemoration of said Battle and of the Kentuckians who fought and fell in that notable Revolutionary action of August the nineteenth, one thousand, seven hundred and eighty-two; and, in and by said resolution, it was provided that said appropriation should not be expended except upon condition that the land upon which said battlefield is situated be first conveyed and donated to the State of Kentucky in fee simple, for the purposes aforesaid; and

WHEREAS, by a certain deed of conveyance, now of record in the office of the Clerk of Robertson County Court in Deed Book No. 18, at page 586, some thirty-two (32) acres of the land comprising the site of the Blue Licks battlefield were granted and conveyed by the then owners to the Commonwealth of Kentucky in fee simple, (the monetary cost and consideration for said land having been raised and provided by private voluntary contributions,) and the title to said tract of land

is now vested in said Commonwealth, and upon said tract said monument was in due course erected and other improvements have been placed thereon at public expense for the use of said land and its memorials as a public park and recreation ground, and same have hitherto been maintained for the benefit and enjoyment of all the people of our common country; and

WHEREAS, by an Act No. 380, passed at the Second Session of the 73rd Congress of the United States, and approved June 18, 1934, (Chap. 573, 48 Stat. 982; U. S. C. A., Title 16, Secs. 448-450,) provision was made for the creation, preservation and perpetual maintenance by the Government of the United States of the "Pioneer National Monument", to consist of the Blue Licks Battlefield and certain other historic sites in the State of Kentucky, when title thereto shall have been vested in the United States, and donations of land, funds, and other property within the boundaries of said national monument were invited by said Act; and

WHEREAS, for the promotion and furtherance of the aforesaid conservation project, a certain non-profit corporation was formed under the laws of Kentucky in the year 1934, and subsequent to the enactment of the above-mentioned Act of Congress of June 18, 1934, with the name and style of "The Pioneer National Monument Association", and said Association proceeded to raise and accumulate funds for the special purpose of acquiring lands and historic sites at the several places designated in any by said congressional enactment, and, by a certain deed of conveyance, bearing date, October 1, 1943, from legal representatives of the estate of O. B. Grigsby, deceased, and others, to said Pioneer National Monument Association, of record in the office of the Clerk of the Nicholas County Court, in Deed Book No. 48, at page 100, and in the County Court Clerk's office of Robertson County, in Deed Book No. 26, at page 467, said Association has acquired title in fee simple to approximately two hundred and fifty (250) acres of land, with its appurtenances and improvements, located partly

in Nicholas, and partly in Robertson, County, Kentucky, and immediately adjoining the memorial park tract of about thirty-two (32) acres, heretofore acquired and conveyed to the Commonwealth of Kentucky, as hereinabove recited, and it is the desire and purpose of said corporation, The Pioneer National Monument Association, to give, grant, and convey title to said entire tract of 250 acres of land to the United States of America for the uses and purposes expressed in said Congressional Act of June 18, 1934, provided only that the Commonwealth of Kentucky shall also and at the same time give, grant, and convey the title to said Blue Licks battlefield tract of about 32 acres, in consideration of the like conveyance by said Pioneer National Monument Association and the perpetual preservation and maintenance by the Government of the United States of all of said land, comprising about two hundred and eighty-two (282) acres in all, as a national monument and memorial, and an integral part of the Pioneer National Monument, mentioned and described in the aforesaid Act of Congress of June 18, 1934, and in conformity therewith;

NOW, therefore, in consideration of the premises and for other good and sufficient reasons them thereunto moving,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky, the Senate and House of Representatives both Concurring:

Section 1. That, for and in consideration of a like simultaneous conveyance by the Kentucky corporation known as "The Pioneer National Monument Association" of about two hundred and fifty (250) acres of land, constituting the remaining portion of Blue Licks battlefield site in Nicholas and Robertson Counties, Kentucky, and the acceptance of title thereto by the National Government for the uses and purposes and subject to the conditions expressed in the Act of Congress of June 18, 1934, cited and more fully identified in the preamble to this Resolution, the Governor of the Commonwealth of Ken-

tucky, acting in the name of and for and on behalf of the said Commonwealth, be and he is hereby authorized, empowered, and directed to make, execute and deliver to the United States of America, or to such officer, authority, department, or agency of the executive branch of its government as by law is prescribed, a good and sufficient deed of conveyance, giving, granting, and conveying title, in fee simple absolute and forever, in and to the following described tract or parcel of land, situated in Robertson County, Kentucky, and bounded as follows, to-wit:

Beginning at the Northwest corner of the Church Lot; thence N 13 E 8 poles to a six-inch walnut; thence N 56.30 W 13.3 poles to a red oak; thence N 78 degrees 30 min, W 9.4 poles to a peg; thence due north 8 poles to a sixteen-inch oak; thence N 6 W 18.4 poles to a chinkapin; thence N 12 W 38 poles to a wild cherry tree in Sellers' line; passing through a white oak at 242 feet and passing through a white oak and sugar tree at 413 feet; thence with Sellers' line N 46 degrees 30 min. E. 74.7 poles to a fence post corner to Sellers and Bryant & Grigsby; thence N 78 E 1.9 poles to the south end of the culvert in State Project No. 20; thence down the Maysville & Lexington Pike, State Project No. 20, S 3-½ W 24.3 poles, S 15 E 38 poles, S 14 W 46 poles, S 31-½ W 22 poles, S 6 W 9 poles to a point on the east side of said Turnpike; thence N 84 W 12.6 poles to the beginning, containing 32.06 Acres, legal measure; being the same tract of land conveyed to the State of Kentucky by Bryant and Grigsby by deed of record in the Clerk's Office of the Robertson County Court, in Deed Book No. 18, at page 586.

Section 2. That the conveyance authorized and directed to be made in and by Section 1 of this Resolution shall not be made, executed, or delivered unless and until the Governor of the Commonwealth is assured and satisfied that the concurrent and contemporaneous grant and conveyance to be made, executed, and delivered to the United States by The Pioneer National Monument Association has been or is actually being

made and consummated by said Association as herein contemplated and provided.

Section 3. That nothing by this Resolution done or authorized to be done shall be held to deprive the State of Kentucky, or any political subdivision thereof, of its civil and criminal jurisdiction in and over the areas or any of the areas included in said Pioneer National Monument or park, nor shall the rights of citizenship of any resident therein be prejudiced or impaired hereby, nor shall the legislative authority of the Commonwealth in and over the aforementioned areas and such other areas as may hereafter be included within said national monument or park, be diminished or affected by the creation of said national park or monument, except insofar as the exercise thereof may conflict with or run counter to the provisions of the aforesaid Act of Congress of June 18, 1934, creating or providing for the creation and establishment of said Pioneer National Monument.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	John P. Craig
Henry Arrowood	C. D. Call	Fred Creasey
W. G. Biggers	Fred Carpenter	Thos. S. Dawson
Isaac Blevins	Willis Champion	Adron Doran
Douglas T. Bolling	Jno. H. Clarke, Jr.	J. R. Dorman
J. C. Bradley	A. Roy Copeland	T. H. Dyer
Jno. W. Burkhart	John Henry Cox	Bernie S. Edlin

Dr. J. C. Gabbard	A. L. Love	L. Allen Rhoads
Chas. B. Gentry	Pearl McKinney	Wade H. Riley
Franklin Goins	Ed Marcum	H. G. Royalty
J. D. Gross	C. C. May	Amos Runyon
Claude Hammons	Johnston Miller	Carl Scheben
B. C. Holbrook	Harry L. Moore	F. W. Schuhmann
Clyde S. Howard	Herbert V. Moore	Vernon Seaton
Jerry F. Howell	L. D. Moore	Leon J. Shaikun
J. J. Huff	W. B. Moser	Jno. W. Simmons
W. N. Hughes	C. Sid Nabb	Faust Y. Simpson
W. H. Hunt	Joe E. Nunn	Robt. J. Spaulding
Lee Johnson	H. C. Patterson	E. A. Spencer
Paul S. Jonas	Albert W. Pfeiffer	Arthur Stallard
Wm. E. Justice	Sylvester Phillips	Geo. W. Steinford
H. Clay Kauffman	Kleber F. Price	Egbert V. Taylor
M. Kavanaugh	Edw. P. Prichard	Taylor Witt
G. M. Knuckles	James E. Quill	
J. T. Linton	C. R. Reeves	—73

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a resolution entitled:

Sen. Res. 41. A Joint Resolution providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of Eight Hundred Dollars ($800.00) is hereby appropriated out of the Legislative Session Fund, One Hundred Dollars ($100.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly:

F. T. Moffatt, P. S. Stauffer, E. W. Baxter, C. W. Grant, C. R. Thrasher, Joseph A. O'Dwyer, O. L. Gilmore, and H. J. Womeldorf.

Section 2. That the Chief Clerk of the Senate shall certify this Resolution to the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts above designated and the State Treasurer shall pay the same.

WHEREAS, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this Resolution shall take effect from and after its passage and approval by the Governor.

Mr. Love offered the following amendment to said resolution, viz.:

Amend S. Res. 41 on page 1, section 1, lines 1 and 2 by striking out lines 1 and 2 and inserting in lieu thereof the following:

Section 1. That the sum of eight hundred dollars ($800.00) be donated by the members of the General Assembly, pro rata at the proportionate share per members, one hundred.

Said amendment was disagreed to.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. J. Huff	Edw. P. Prichard
W. G. Biggers	W. N. Hughes	James E. Quill
Isaac Blevins	W. H. Hunt	L. Allen Rhoads
Jno. W. Burkhart	Paul S. Jonas	Wade H. Riley
Chas. W. Burnley	H. Clay Kauffman	H. G. Royalty
C. D. Call	M. Kavanaugh	Carl Scheben
Fred Carpenter	G. M. Knuckles	Vernon Seaton
Willis Champion	Homer E. Losey	Leon J. Shaikun
A. Roy Copeland	Pearl McKinney	Jno. W. Simmons
Marvin Cornett	Ed Marcum	Faust Y. Simpson
John Henry Cox	C. C. May	Robt. J. Spaulding
John P. Craig	Johnston Miller	E. A. Spencer
Fred Creasey	Harry L. Moore	Arthur Stallard
Thos. S. Dawson	C. Sid Nabb	Geo. W. Steinford
J. R. Dorman	Jno. C. Newcomb	Joe Stewart
T. H. Dyer	Joe E. Nunn	Thos. M. Swope
Bernie S. Edlin	H. C. Patterson	C. W. Taylor
Chas. B. Gentry	Chester Peterson	Egbert V. Taylor
Franklin Goins	Albert W. Pfeiffer	Roy L. Taylor
Jas. P. Hallahan	Sylvester Phillips	Otis C. Thomas
B. C. Holbrook	J. Gip Prather	E. B. Thompson
Clyde S. Howard	L. W. Preston	John L. Trumbo
Jerry F. Howell	Kleber F. Price	Taylor Witt

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Those who voted in the negative were—

Henry Arrowood	John H. Clarke, Jr.	Dr. J. C. Gabbard
F. H. Bassett, Jr.	Adron Doran	Lee Johnson

Wm. E. Justice	L. D. Moore	Amos Runyon
J. T. Linton	W. B. Moser	F. W. Schuhmann
A. L. Love	Coy C. Nevitt	
Herbert V. Moore	C. R. Reeves	—16

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 88. An Act repealing, amending and re-enacting KRS 44.050 relating to when motor vehicles may be purchased out of state funds; and providing that the Governor, Lieutenant-Governor when acting as Governor, the Department of Highways and its employees, and the head and the inspectors of the Department of Mines and Minerals, and the Adjutant General of the Department of Military Affairs may purchase and use passenger motor vehicles out of state funds; and providing that the Department of Military Affairs may purchase truck motor vehicles for the use of the department from state funds; and providing that Department of Military Affairs may acquire motor vehicles by gift or transfer from the Federal Government.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 44.050 of the Kentucky Revised Statutes is amended to read as follows:

Motor vehicles, when may be purchased out of state funds.

(1) No state officer or member of a board or commission created by the laws of this State shall purchase or contract to purchase any motor passenger vehicle on behalf of or on account of the State, or for the use of any State officer or any member, agent or employee of any board or commission created by the laws of this State, or for the use of any person engaged in performing services for this State, except vehicles necessary for the use of the Governor, the Lieutenant Governor when acting as Governor, the Department of Highways and its employees, and the head and the inspectors of the Department of Mines and Minerals, and the Adjutant General of the Department of Military Affairs, nor shall any payments be made for the purchase of such vehicles, except those permitted by this section, out of state funds or money paid into the State Treasury.

(2) No person except the Governor, the Lieutenant Governor, the Department of Highways and its employees, and the head and inspectors of the Department of Mines and Minerals, and the Adjutant General of the Department of Military Affairs, shall use or operate any passenger motor vehicle owned by the State.

(3) The Department of Military Affairs is hereby authorized to purchase from state funds, motor trucks to be used in the carrying out of the functions of this department and it is further provided that the Department of Military Affairs may acquire motor vehicles by gift or transfer from the Federal Government for use in said department.

Now, therefore, an emergency hereby is declared by the General Assembly to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Creasey offered the following amendment to said bill, viz.:

Amend S. B. 88 on page 2, line 28 by inserting before the word "Now" in line 28, the words: "Whereas, the present National Emergency requires that the Adjutant General be able to travel to all parts of the state in the most expeditious manner."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Bernie S. Edlin	A. L. Love
Henry Arrowood	Dr. J. C. Gabbard	Pearl McKinney
F. H. Bassett, Jr.	Chas. B. Gentry	Ed Marcum
W. G. Biggers	Franklin Goins	C. C. May
Isaac Blevins	J. D. Gross	Johnston Miller
J. C. Bradley	Jas. P. Hallahan	Harry L. Moore
Jno. W. Burkhart	B. C. Holbrook	Herbert V. Moore
Chas. W. Burnley	Clyde S. Howard	L. D. Moore
C. D. Call	Jerry F. Howell	W. B. Moser
Fred Carpenter	J. J. Huff	C. Sid Nabb
Jno. H. Clarke, Jr.	W. N. Hughes	Coy C. Nevitt
A. Roy Copeland	W. H. Hunt	Jno. C. Newcomb
Marvin Cornett	Lee Johnson	Joe E. Nunn
Fred Creasey	Paul S. Jonas	H. C. Patterson
Thos. S. Dawson	H. Clay Kauffman	Chester Peterson
Adron Doran	M. Kavanaugh	Albert W. Pfeiffer
J. R. Dorman	J. T. Linton	Sylvester Phillips
T. H. Dyer	Homer E. Losey	J. Gip Prather

L. W. Preston	F. W. Schuhmann	Egbert V. Taylor
Kleber F. Price	Vernon Seaton	Roy L. Taylor
Edw. P. Prichard	Leon J. Shaikun	H. Thieman, Jr.
James E. Quill	Faust Y. Simpson	E. B. Thompson
C. R. Reeves	Robt. J. Spaulding	John L. Trumbo
L. Allen Rhoads	Arthur Stallard	Harry F. Walters
Wade H. Riley	Geo. W. Steinford	R. E. West
H. G. Royalty	Joe Stewart	Taylor Witt
Carl Scheben	Thos. M. Swope	—81

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the House do now recess until 1:00 P. M.

Said motion was agreed to.

And then the House recessed.

The hour of 1:00 P. M. having arrived, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 103. An Act relating to Inheritance Taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of Section 140.030 of the Kentucky Revised Statutes is amended to read as follows:

(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), whether payable to a designated beneficiary or to the assured or his estate, shall be taxable as a part of the legacy as the distributable share of the beneficiary, except that the proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate, not to exceed ten thousand dollars in the aggregate, shall be tax-free. The tax-free portion shall be divided among the beneficiaries in proportion to the proceeds payable to each of them. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, shall be taxfree, and shall not be considered in determining the value of any taxable transfer.

§ 2. A new section of the Kentucky Revised Statutes is created to be numbered KRS 140.015 and to read as follows:

The payment of any gratuity pay, death compensation or other award or benefit, by the Federal Government, to the surviving spouse or heirs of any person by reason or arising out of service by such person in the armed forces of the United States in time of war shall not be considered a taxable transfer within the meaning of this chapter, and the amount paid shall not be considered in determining the value of any taxable transfer.

§ 3. Whereas, it is essential that immediate relief be provided for the surviving spouse and children of the persons losing their lives in the service of our country, an emergency is

declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Jerry F. Howell	L. W. Preston
J. C. Bradley	W. N. Hughes	Edw. P. Prichard
Chas. W. Burnley	W. H. Hunt	James E. Quill
C. D. Call	Wm. E. Justice	C. R. Reeves
Fred Carpenter	H. Clay Kauffman	L. Allen Rhoads
Marvin Cornett	J. T. Linton	Amos Runyon
John Henry Cox	Homer E. Losey	F. W. Schuhmann
John P. Craig	A. L. Love	Vernon Seaton
Adron Doran	C. C. May	Robt. J. Spaulding
J. R. Dorman	Johnston Miller	E. A. Spencer
T. H. Dyer	Harry L. Moore	Arthur Stallard
Dr. J. C. Gabbard	Herbert V. Moore	C. W. Taylor
R. M. Hall	L. D. Moore	H. Thieman, Jr.
Claude Hammons	W. B. Moser	Otis C. Thomas
B. C. Holbrook	C. Sid Nabb	E. B. Thompson
Benton Howard	Joe E. Nunn	John L. Trumbo
Clyde S. Howard	H. C. Patterson	Harry F. Walters

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 105. An Act repealing, amending, and re-enacting section 23.230 Kentucky Revised Statutes of 1942 so as to authorage the appointment of a special judge where a vacancy occurs or exists.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 23.230 Kentucky Revised Statutes of 1942 be and the same is hereby repealed, amended, and reenacted, so as to read as follows:

"When, from any cause, a judge of any circuit court fails to attend, or being in attendance cannot properly preside in an action pending in the court, or if a vacancy occurs or exists in the office of circuit judge, or if either party files with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion. If any party to the action is a nonresident defendant, who has not entered his appearance nor been summoned, or is an infant defendant, the attorney appointed to defend for such nonresident or the guardian ad litem for such infant may agree with the other parties to the action upon an attorney having all the qualifications of a circuit judge so selected shall have all the powers and be subject to all the responsibilities of the regular judge of the court."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jerry F. Howell	L. Allen Rhoads
F. H. Bassett, Jr.	W. N. Hughes	Wade H. Riley
W. G. Biggers	H. Clay Kauffman	Amos Runyon
Isaac Blevins	J. T. Linton	Carl Scheben
J. C. Bradley	Homer E. Losey	F. W. Schuhmann
Chas. W. Burnley	A. L. Love	Vernon Seaton
C. D. Call	C. C. May	Faust Y. Simpson
Fred Carpenter	Johnston Miller	Robt. J. Spaulding
A. Roy Copeland	Harry L. Moore	E. A. Spencer
Marvin Cornett	Herbert V. Moore	Arthur Stallard
John Henry Cox	L. D. Moore	Geo. W. Steinford
John P. Craig	W. B. Moser	Joe Stewart
J. R. Dorman	C. Sid Nabb	Thos. M. Swope
R. M. Hall	Joe E. Nunn	C. W. Taylor
Claude Hammons	Albert W. Pfeiffer	H. Thieman, Jr.
B. C. Holbrook	L. W. Preston	Otis C. Thomas
Benton Howard	James E. Quill	John L. Trumbo
Clyde S. Howard	C. R. Reeves	Harry F. Walters

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 139. An Act requiring the Secretary of State to execute bond.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Secretary of State shall execute bond, with incorporated surety authorized to do a surety business in Kentucky, in the penal sum of ten thousand dollars. The bond shall be filed in the office of the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. R. Dorman	Paul S. Jonas
W. G. Biggers	T. H. Dyer	H. Clay Kauffman
Isaac Blevins	Dr. J. C. Gabbard	J. T. Linton
J. C. Bradley	R. M. Hall	Homer E. Losey
Jno. W. Burkhart	Claude Hammons	C. C. May
Chas. W. Burnley	B. C. Holbrook	Johnston Miller
C. D. Call	Benton Howard	Harry L. Moore
Fred Carpenter	J. J. Huff	Herbert V. Moore
Marvin Cornett	W. N. Hughes	W. B. Moser
John P. Craig	W. H. Hunt	C. Sid Nabb
Adron Doran	Lee Johnson	Coy C. Nevitt

Joe E. Nunn	Amos Runyon	Joe Stewart
H. C. Patterson	Carl Scheben	Thos. M. Swope
L. W. Preston	F. W. Schuhmann	C. W. Taylor
Kleber F. Price	Vernon Seaton	H. Thieman, Jr.
Edw. P. Prichard	Leon J. Shaikun	Otis C. Thomas
James E. Quill	Robt. J. Spaulding	E. B. Thompson
C. R. Reeves	Arthur Stallard	John L. Trumbo
Wade H. Riley	Geo. W. Steinford	S. J. Wagner

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 119. An Act to amend Sec. 122.080 and 122.090 KRS relating to contests of elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 122.080 and 122.090, Ky. Rev. Stats., are hereby amended to read as follows:

122.080 (1596a-12). *Procedure in contest of election under KRS* 122.070; *trial; judgment.* A contest instituted under KRS 122.070 shall proceed as equity actions. Upon return of the summons properly executed to the office of the Circuit Clerk, he shall immediately docket the case and notify the presiding judge of the court that the contest has been filed. The judge

shall proceed to a trial of the cause without delay. In courts having more than one judge, the judge who shall try the case shall be determined by lot. The court may be convened at any time, irrespective of the regular term, for the purpose of trying the case or any proceeding therein and shall complete the same as soon as practicable. The action shall have precedence over all other cases.

The evidence in chief for the contestant shall be completed within 30 days after service of summons; the evidence for the contestee shall be completed within 25 days after filing of answer, and evidence for contestant in rebuttal shall be completed within 7 days after the contestee has concluded; provided that for cause the court may grant a reasonable extension of time to either party.

All ballots, stub books and other papers concerning which there is any ground for contest may be removed to the court in which the action is pending.

If it appears from an inspection of the whole record that there has been such fraud, intimidation, bribery or violence in the conduct of the election that neither contestant nor contestee can be judged to have been fairly elected, the circuit judge, or the Court of Appeals, on appeal, may adjudge that there has been no election. In that event the office shall be deemed vacant, with the same legal effect as if the person elected had refused to qualify. If one of the parties is adjudged by the court to be elected to the office, he shall, on production of a copy of the final judgment, be permitted to qualify or be commissioned.

122.090 (1596a-12) *Appeal to Court of Appeals from judgment in contest under KRS 122.070; costs.* Either party may appeal to the Court of Appeals from a judgment of the circuit court in a contest instituted under KRS 122.070, by giving bond before the clerk of the circuit court, with good surety,

conditioned for the payment of all costs and damages the other party may sustain by reason of the appeal, and by filing the record in the office of the Clerk of the Court of Appeals within thirty days after final judgment in the circuit court. The case shall be heard and determined in the Court of Appeals as speedily as possible, and shall have precedence over all other cases.

The Court in its discretion may issue its mandate forthwith after rendering its decision, but it shall be without prejudice to the right of the losing party to file a petition for rehearing or the power of the Court to recall the mandate should it be sustained. Proceedings in the trial court upon a return of the case shall be as prescribed by Section 761 of the Civil Code of Practice except that if the judgment be reversed and the case remanded for trial or further action, the proceedings shall continue in like manner as when originally filed beginning ten days after the filing of the mandate with notice to the adverse party or his attorney.

The unsuccessful party shall pay all costs in both courts.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Fred Carpenter	Bernie S. Edlin
W. G. Biggers	Marvin Cornett	Harry W. Ennis
J. C. Bradley	John Henry Cox	Dr. J. C. Gabbard
Jno. W. Burkhart	John P. Craig	Chas. B. Gentry
Chas. W. Burnley	J. R. Dorman	R. M. Hall
C. D. Call	T. H. Dyer	B. C. Holbrook

Benton Howard	C. Sid Nabb	Jno. W. Simmons
Jerry F. Howell	Jno. C. Newcomb	Robt. J. Spaulding
J. J. Huff	Joe E. Nunn	Arthur Stallard
W. N. Hughes	H. C. Patterson	Geo. W. Steinford
W. H. Hunt	Chester Peterson	Joe Stewart
Lee Johnson	L. W. Preston	C. W. Taylor
Paul S. Jonas	Kleber F. Price	Egbert V. Taylor
H. Clay Kauffman	James E. Quill	Roy L. Taylor
A. L. Love	C. R. Reeves	H. Thieman, Jr.
Pearl McKinney	Wade H. Riley	Otis C. Thomas
C. C. May	H. G. Royalty	E. B. Thompson
Johnston Miller	Amos Runyon	John L. Trumbo
Harry L. Moore	Carl Scheben	S. J. Wagner
Herbert V. Moore	F. W. Schuhmann	Taylor Witt
L. D. Moore	Vernon Seaton	
W. B. Moser	Leon J. Shaikun	—64

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 55. An Act to amend and re-enact Sec. 431.130 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 431.130, Kentucky Revised Statutes, be amended and re-enacted so that when so amended and re-enacted it shall read as follows:

A jury by whom an offender is tried in any Court of this Commonwealth shall fix by its verdict a punishment to be inflicted within the periods or amounts prescribed by law. Prisoners sentenced to punishment by confinement in the penitentiary shall be kept at hard labor. If the punishment is a fine or imprisonment in the jail of the county, or both, the imprisonment shall be close confinement in the jail of the county where the trial was held, unless otherwise provided. The prisoner shall also be confined in the county jail until the costs are paid, unless otherwise provided. In any jurisdiction where there is a county workhouse the Court may in its discretion confine the prisoner to the county work house instead of the county jail.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Chas. W. Anderson	Bernie S. Edlin	G. M. Knuckles
W. G. Biggers	Dr. J. C. Gabbard	J. T. Linton
J. C. Bradley	Chas. B. Gentry	Homer E. Losey
Jno. W. Burkhart	J. D. Gross	A. L. Love
Chas. W. Burnley	R. M. Hall	Pearl McKinney
C. D. Call	Claude Hammons	C. C. May
Fred Carpenter	B. C. Holbrook	Johnston Miller
John H. Clarke, Jr.	Benton Howard	Harry L. Moore
Marvin Cornett	Jerry F. Howell	Herbert V. Moore
John Henry Cox	J. J. Huff	L. D. Moore
John P. Craig	W. N. Hughes	W. B. Moser
J. R. Dorman	W. H. Hunt	C. Sid Nabb
T. H. Dyer	Lee Johnson	Coy C. Nevitt

Jno. C. Newcomb	Amos Runyon	C. W. Taylor
Joe E. Nunn	Carl Scheben	Egbert V. Taylor
H. C. Patterson	F. W. Schuhmann	Roy L. Taylor
Chester Peterson	Vernon Seaton	H. Thieman, Jr.
L. W. Preston	Leon J. Shaikun	Otis C. Thomas
Edw. P. Prichard	Jno. W. Simmons	E. B. Thompson
James E. Quill	Robt. J. Spaulding	John L. Trumbo
C. R. Reeves	Arthur Stallard	S. J. Wagner
L. Allen Rhoads	Geo. W. Steinford	R. E. West
Wade H. Riley	Joe Stewart	
H. G. Royalty	Thos. M. Swope	—70

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had refused to concur in an amendment proposed and adopted by the House to a bill which originated in the Senate, entitled:

S. B. 156. An Act relating to the compensation, travel allowance and stationery allowance of members and officers of the General Assembly.

(For bill with amendment thereto see House Journal of March 14)

Mr. Hammons moved that the House do now recede from said amendments.

Said motion was agreed to.

And then the House receded from the amendment heretofore proposed and adopted to said bill.

Ordered that the Chief Clerk report the action of this House, to the Senate.

And that they had passed bills which originated in this House, entitled:

H. B. 139. An Act relating to contract and common carriers by motor vehicle.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 7)

Said amendment as proposed and adopted by the Senate, is as follows, viz.:

Amend H. B. 139 in Senate by striking the period after "Treasury" in line 26 on page 2 and inserting in lieu thereof the following:

"and credited to the State Road Fund."

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Chas. W. Anderson	Chas. W. Burnley	John P. Craig
F. H. Bassett, Jr.	C. D. Call	Fred Creasey
W. G. Biggers	Fred Carpenter	Adron Doran
Isaac Blevins	John H. Clarke, Jr.	J. R. Dorman
J. C. Bradley	A. Roy Copeland	Bernie S. Edlin
Jno. W. Burkhart	Marvin Cornett	Dr. J. C. Gabbard

Chas. B. Gentry	Johnston Miller	F. W. Schuhmann
Claude Hammons	Harry L. Moore	Vernon Seaton
B. C. Holbrook	Herbert V. Moore	Leon J. Shaikun
Benton Howard	L. D. Moore	Jno. W. Simmons
Clyde S. Howard	W. B. Moser	Faust Y. Simpson
Jerry F. Howell	C. Sid Nabb	Robt. J. Spaulding
J. J. Huff	Jno. C. Newcomb	Geo. W. Steinford
W. N. Hughes	Joe E. Nunn	Joe Stewart
W. H. Hunt	H. C. Patterson	Thos. M. Swope
Paul S. Jonas	Chester Peterson	C. W. Taylor
Wm. E. Justice	Albert W. Pfeiffer	Egbert V. Taylor
H. Clay Kauffman	L. W. Preston	Roy L. Taylor
J. T. Linton	Edw. P. Prichard	H. Thieman, Jr.
Homer E. Losey	James E. Quill	Otis C. Thomas
A. L. Love	C. R. Reeves	S. J. Wagner
Pearl McKinney	Wade H. Riley	R. E. West
C. C. May	Amos Runyon	Taylor Witt

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Ordered that said bill be delivered to the Enrolling Clerk of the House.

And that they had passed a bill which originated in this House, entitled:

H. B. 305. An Act relating to alcoholic beverages.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 29)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

Amendment No. 1. Amend House Bill 305 on page four by striking all of paragraph 13.

Amendment No. 2. Amend Subsection 6 of Section 19 of House Bill 305 by inserting immediately after the word "revoked" in line 29 the words "or suspended".

Amendment No. 3. Amend Section 21 of House Bill 305 by striking sentence beginning on line 5 of Section 21 which reads as follows:

"If any party to the hearing advises the board that he desires to present five (5) or more witnesses who reside in the county in which the licensed premises are located the hearing shall be held in the county seat of the county,"
and insert in lieu thereof the following sentence:

"The board may, at its discretion, hold the hearing in Frankfort, or in the county where the licensed premises, or the premises to be licensed, are located."

Amendment No. 4. Amend Section of House Bill 305 by striking therefrom the sentence beginning on line 15 and which reads as follows:

"Between the time of issuance of a suspension to a licensee and the holding of the hearing thereon no member of the board shall discuss the case with any local administrator, field man or other person."

Amendment No. 5. Amend Subsection 1 of Section 33 of House Bill 305 by striking the word "or" after the words "KRS 70.540 to 70.570" on line 7 and insert in lieu thereof the word "and".

Amendment No. 6. Amend subsection 2 of section 33 of House Bill 305 by striking the word "or" immediately before the words KRS 70.150 to 70.170 on line 13 and insert in lieu thereof the word "and".

Amendment No. 7. Amend subsection 1 of section 34 of House Bill No. 305 by striking the word "or" immediately after the words KRS 70.750 to 70.170 on line 7 and insert in lieu thereof the word "and".

Amendment No. 8. Amend subsection 2 of section 34 of House Bill No. 305 by striking the word "or" immediately after the words KRS 70.150 to 70.170 on line 15 and insert in lieu thereof the word "and".

Amendment No. 9. Amend subsection 1 of section 15 of House Bill No. 305 by inserting on line 3 immediately after the word "Rectifier's" a comma and the words "bottling house."

Amendment No. 10. Amend House Bill No. 305 in the Senate Page 6, subsection 15 (2) line 12, by inserting the word "corporate surety" between the words "application a" and "bond".

Amendment No. 11. Amend H. B. 305, by changing the word "will" in line 21, page 15, to the word "shall".

Mr. Prichard moved that the House refuse to concur in Amendment No. 1 as proposed and adopted by the Senate.

Said motion was agreed to.

And then the House refused to concur in said amendments.

Amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were then each and severally concurred in.

Ordered that the Clerk of the House report the action of the House to the Senate.

At the instance of the Committee on Rules, the House

took up for consideration from the Orders of the Day, a bill entitled:

S. B. 130. AN ACT to amend and re-enact section 26.570, Kentucky Revised Statutes, 1942 Edition, relating to clerk of police court in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 26.570 of Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said section, when so amended and re-enacted, shall read as follows, to-wit:

"The police judge in cities of the second class may appoint a clerk of his court, who shall receive a salary fixed by ordinance at not less than six hundred dollars nor more than eighteen hundred dollars per annum.

"Upon appointment the clerk shall be eligible for classification under the City Civil Service law as provided in Chapter 90 of the Kentucky Revised Statutes, 1942 Edition, as are other city employees."

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. G. Biggers	J. C. Bradley
F. H. Bassett, Jr.	Isaac Blevins	Jno. W. Burkhart

C. D. Call	W. H. Hunt	James E. Quill
Fred Carpenter	Lee Johnson	C. R. Reeves
Jno. H. Clarke, Jr.	Paul S. Jonas	L. Allen Rhoads
A. Roy Copeland	Wm. E. Justice	Amos Runyon
Marvin Cornett	H. Clay Kauffman	Carl Scheben
John P. Craig	M. Kavanaugh	F. W. Schuhmann
Fred Creasey	G. M. Knuckles	Vernon Seaton
Thomas S. Dawson	J. T. Linton	Leon J. Shaikun
J. R. Dorman	Homer E. Losey	Jno. W. Simmons
T. H. Dyer	A. L. Love	Arthur Stallard
Bernie S. Edlin	Pearl McKinney	Geo. W. Steinford
Dr. J. C. Gabbard	C. C. May	Joe Stewart
Chas. B. Gentry	Johnston Miller	Thos. M. Swope
Franklin Goins	Harry L. Moore	Egbert V. Taylor
R. M. Hall	Herbert V. Moore	H. Thieman, Jr.
Claude Hammons	W. B. Moser	E. B. Thompson
B. C. Holbrook	C. Sid Nabb	John L. Trumbo
Benton Howard	H. C. Patterson	S. J. Wagner
Clyde S. Howard	Chester Peterson	R. E. West
Jerry F. Howell	Sylvester Phillips	Taylor Witt
J. J. Huff	L. W. Preston	
W. N. Hughes	Kleber F. Price	—70

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 135. An Act relating to the mining of clay and fluorspar.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) As used in this Act, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Commercial mine" means any clay or fluorspar mine from which the product is mined for sale or exchange.

(c) "Department" means the Department of Mines and Minerals.

(d) "Drift" means an opening through the strata, with opening grades such as to permit clay or fluorspar to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with mining operations.

(e) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds one percent at the return of any one split of ventilation.

(f) "Mine" means a group or system of shafts, slopes drifts or inclined planes connected by one general system of mine railroads over which clay or fluorspar may be delivered to one or more points outside the mine, and connected with excavations that penetrate clay or fluorspar strata and are ventilated by one general air current or divisions thereof.

(g) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(h) "Operator" means an individual, firm or corporation operating a clay or fluorspar mine or any part thereof.

(i) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of clay or fluorspar, for the purpose of ventilation, drainage, for hoisting men, clay, fluorspar or materials.

(j) "Slope" means an inclined opening used for the same purpose as a shaft.

(k) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) Except as the context otherwise requires, this Act applies to commercial clay or fluorspar mines, but shall not apply to the mining of clay, fluorspar or other minerals which are mined from open pits or open mines.

(3) The provisions of this Act shall extend to commercial clay and fluorspar mines, but shall not apply to the mining of clay, fluorspar or other minerals which are mined from open pits or open mines.

§ 2. This Act shall be administered and enforced by the Department of Mines and Minerals.

§ 3. (1) The department may prescribe rules of procedure and for offering evidence in all matters brought before it, and shall prepare and, on request, furnish to all applicants copies of forms of notices and other forms that the department requires to be used, and shall prescribe the manner of serving such notices.

(2) The department shall hold one or more hearings on each matter brought before it. All interested persons shall be

given due notice and an opportunity to appear and offer evidence, and to make argument by counsel if desired. The department shall decide each matter in controversy in the manner that seems to it just and reasonable and necessary or desirable for the proper enforcement of §49 of this Act.

§ 4. (1) Any party in interest dissatisfied with an order of the department may commence an equitable action against the department and other interested parties as defendants, to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the well or workable clay or fluorspar bed or part thereof, is located, or in any other court of competent jurisdiction. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department pending the action by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in case the order under review is not set aside, and the court may, without security being given, suspend the operation of the order, in whole or in part, on such terms as it deems just and in accordance with the practice of courts of equity.

(3) Appeals may be taken to the Court of Appeals as in other cases.

§ 5. (1) The Chief of the Department of Mines and Minerals shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the clay and fluorspar fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the work of each inspector, and may assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of two or more mine inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to clay and fluorspar mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all clay and fluorspar mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety and first aid and mine rescue methods and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employes concerning mine ventilation, mining methods and mine accidents and their prevention, and shall assume full charge in the event

of mine fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any clay and fluorspar seams that would be of any benefit to the state or create new employment.

§ 6. (1) The Board of Examiners for the certification of clay and fluorspar mine foremen shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals;

(b) Any two district mine inspectors, the selection of whom is optional with the chief, who may select them alternately or otherwise;

(c) One miner with a minimum of seven years' practical experience in the mining of clay and fluorspar, four years, at least, of which experience have been in the mines of this state, and who is actually employed in mining clay and fluorspar at the time of the appointment; and

(d) One operator who at the time of his appointment is actually engaged in operating a clay and fluorspar mine.

(2) Each member of the board except the chief shall be recommended by the chief and appointed by the Governor for a term of four years.

(3) The chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations and issue

certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

§ 7. (1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has paid to the Department of Finance an examination fee of $2.50 and presented a receipt therefor to the board.

(2) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English.

§ 8. (1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, has passed the examination given by the board for that position and meets the requirements of subsection (4) of this section.

(2) The certificate shall be in such form as the chief of the department prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has passed the required Examination and possesses the qualifications required by law for a mine foreman and is authorized to act as such in a clay or fluorspar mine.

(3) Certificates issued to mine foremen for clay or fluorspar mines shall authorize the holders to act as foremen for all classes of clay and fluorspar mines;

(4) No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character, and

that he has had at least five years' practical experience at and in clay or fluorspar mines, or to any person who is not either a bona fide resident of this state or employed at a mine in this state.

(5) Persons serving as mine foremen for clay and fluorspar mines at the time of the passage of this Act shall be allowed a period of six months from the effective date of the act within which to take an examination and become certified, so as to qualify under the clay and fluorspar mine act.

§ 9. If any mine foreman of a clay or fluorspar mine misplaces his certificate or it is destroyed, he shall apply to the Chief of the Department of Mines and Minerals for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the mine foreman with a duplicate certificate. Any such person applying for a duplicate certificate shall pay a fee of two dollars to the Department of Finance.

§ 10. Each district mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting clay and fluorspar mines and aiding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of clay and fluorspar mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief;

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when so called upon by the owner or operator and directed by the chief to do so; and

(6) Visiting each mine in his district at least once every three months, or oftener if practicable, and wherever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside of the mine.

§ 11. (1) The chief of the department shall annually make a report to the Governor of his proceedings during the preceding calendar year. The annual report shall be prepared and printed as soon as possible within the four months after the close of the calendar year. The annual report shall cover the complete operation of the clay and fluorspar mines in this state during the preceding calendar year, enumerating all accidents occurring in or about any such mine during that year, and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(2) The chief shall, when ordered by any circuit judge, furnish to any person a certified copy of the report of the inspection of any mine inspected by him or by a district mine inspector.

§ 12. The owner, lessee, or superintendent of each commercial clay and fluorspar mine shall give at the end of each

month and at the end of each calendar year accurate information, on blanks furnished by the chief of the department, as to the number of accidents that have occurred, the number of persons employed, the tons of clay and fluorspar mined and any other information not of a private nature that the chief requests.

§ 13. (1) The inspectors of mine weights shall inspect and test all scales, except railroad scales, used in connection with any commercial coal, clay and fluorspar mine in this state, and shall determine their mechanical condition and accuracy. Each coal, clay and fluorspar operator or superintendent shall render such assistance to the inspector of mine weights as may be necessary in conveying and handling the weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weight office a record of the inspection of the scales. If upon inspecting and testing any mine scale the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation or building repaired or renewed, the operator or superintendent shall immediately comply with his recommendations.

(2) Each operator shall pay a fee of $7.50 to the department for each mine scale inspection.

§ 14. As used in §§ 14 to 49 of this Act, unless the context requires otherwise:

(a) "Approved safety lamp" means any bonneted lamp that bears the approval plate of the Federal Bureau of Mines and is approved by the Department of Mines and Minerals of this state.

(b) "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being

worked, all underground workings, shafts, tunnels, ways and openings, whether completed or in the course of being sunk or driven, and all roads, appliances, machinery and material connected therewith below the surface.

(c) "Tipple or dumping point" means the tipple or structure where clay or fluorspar is dumped or unloaded from the mine car into railroad cars, trucks, wagons or other means of conveyance.

§ 15. (1) The ventilation of all clay and fluorspar mines at which five or more men are employed shall be produced by means of mechanically operated fans located outside the mine. Mines at which less than five men are employed shall be ventilated by means approved by the Department of Mines and Minerals. If inside fans are required to ventilate working places on longwall or modern systems of mining the Chief of the Department of Mines and Minerals must first approve the installation.

(2) The operator, superintendent or foreman of every clay and fluorspar mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least 100 cubic feet of air per minute for each person employed in the mine and at least 200 cubic feet of air per minute for each animal working in the mine, unless the mine liberates explosive gas, in which case he shall provide at least 150 cubic feet of air per minute for each person and 300 cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. The air shall be circulated around the main headings, cross headings, room headings and working places to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases.

(3) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now per-

mitted, with the approval of the district mine inspector and the chief of the department, to drive to ninety feet before making breakthroughs, and except that where longwall or modern systems of mining are used the chief may approve a greater distance between breakthroughs or the method of ventilating such longwall or modern systems of mining. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with suitable material subject to the approval of the district mine inspector so as to keep the working places well ventilated. Doors on main haulways shall be avoided in gaseous mines where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

§ 16. (1) As many as sixty persons may work in the same air current or split, and with the approval of the district mine inspector and the chief of the department, as many as eighty persons may work in the same air current or split.

(2) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this Act, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of an official designated by the mine foreman.

(3) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to

withdraw immediately from the mine and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

§ 17. If the district mine inspector discovers any working place being driven in advance of the air current to the requirements of this chapter, he shall notify the mine foreman to cease work in the place at once and not resume such work until the law is complied with.

§ 18. (1) No alcohol, petroleum product nor any compound that in the opinion of the district mine inspector, will contaminate the air to such an extent as to be injurious to the health of the miners shall be used as motive power in any mine.

(2) No steam locomotive shall be used in any mine unless it is approved in writing by the chief of the department.

(3) No operator, superintendent or mine foreman shall provide a horse or mule stable inside any mine, unless it is approved in writing by the chief of the department.

§ 19. The operator or superintendent of every mine shall install a uniform system of checking the employes in and out of the mine, so that each employe, entering the mine, shall be given a check by which he may be identified, and the check shall be placed in its proper place on the check board by the employe when leaving the mine.

§ 20. (1) All unused workings and abandoned parts of mines must be protected by such safeguards as will prevent, so far as practicable, the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter such parts of the mine.

(2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after such warning has been posted.

§ 21. No person shall attempt to enter, explore or survey an abandoned mine or portion thereof without the approval of the district mine inspector or the chief of the department.

§ 22. (1) No operator, superintendent, or mine foreman of any clay or fluorspar mine shall permit persons to work therein unless there are to every seam of clay and fluorspar worked in the mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine is worked by shaft or slope, and separated by natural strata of not less than fifty feet in breadth if the mine is worked by drift, by which outlets distinct means of ingress and egress are readily available to persons employed in the mine, but it shall not be necessary for the two outlets to belong to the same mine. This subsection does not apply to the openings of a new entry that is being worked for the purpose of making connection between the two outlets so long as not more than four persons are employed at one time in making the connection or driving the second opening, or to any mine in which the second opening has been rendered available by reason of final robbing or removal of pillars so long as not more than twenty persons are employed therein at one time.

(2) If any coal or fluorspar mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

§ 23. (1) In every shaft used as an escape outlet there shall be provided a stairway or ladderway of suitable strength, design and angle, with platforms or landings at each turn, the stairway or ladderway to be approved by the district mine inspector and the chief of the department, or in lieu thereof a properly equipped hoisting arrangement, consisting of a cage suitable for hoisting men, a wire hoisting rope of ample strength and an adequate and safe hoisting engine and drum, which hoisting arrangement shall be ready for use at any time of emergency.

(2) When the escape and fan shafts are combined, the side or end used for an escape outlet and the part used for ventilating purposes shall be separated by a good substantial airtight partition from top to bottom, so that the use of the escape shaft shall not interfere with the ventilation of the mine.

(3) All shafts by which men enter or leave the mine and all passageways to escape outlets shall be carefully examined by the mine foreman, or by a person designated by him, at least once each week that the mine is operating, and the date and findings of the examination shall be entered in a book kept at the mine for that purpose.

(4) No debris, water, timbers or mine cars that would obstruct the free passage of men shall be allowed to accumulate in the passageway to the escape outlet, and if any such obstructions accumulate or exist they shall be promptly removed.

(5) At points where the passageway to the escape outlet is intersected by roadways or entries calculated to produce doubt as to the proper direction to the outlet, conspicuous signboards shall be placed indicating the direction to the escape outlet.

§ 24. (1) At every mine operated by shaft, there shall be an approved safety catch, and on all cages used for lowering and hoisting persons there shall be a sufficient and substantial overhead cover. At the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for lowering or raising persons at any shaft or slope, and in connection with the hoisting engine an efficient indicator or dial, which will show the engineer the positions of the cages in the shaft at any time, shall be used. Approved means for signaling to the bottom man, the top man and the engineer shall be provided, and all shafts used for lowering or hoisting men shall be equipped with metal tubes or pipes or with telephones, through which conversations may be freely held between persons at the bottom and top landings.

(2) No cages on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute.

(3) The hoisting rope, the safety catches and the cage attachments shall be examined by the mine foreman or by some competent person designated by him, every morning before the men descend into the mine, and care shall be taken to keep them in good working condition at all times.

(4) No person shall ride on any cage when coal, clay, fluorspar slate or similar material is being raised.

(5) No person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the days' run, without first being authorized by the bottom man or cager to do so, the bottom man or cager having first signaled to the engineer that men are to be raised.

(6) At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all employes when passing from one side of the shaft to the other side shall use the passageway only.

(7) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at each landing a light sufficient to show the landing and objects in immediate proximity thereto, and as long as men are underground a good light shall be maintained at the bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

§ 25. (1) No operator or superintendent of any clay or fluorspar mine worked by shaft, slope or incline shall place in charge of any engine or drum used for lowering or hoisting any persons employed in the mine any but competent and sober engineers or drum runners.

(2) No engineer in charge of such machinery shall allow any person except such as may be designated for this purpose by the operator or superintendent to interfere with any part of the machinery.

(3) No person shall interfere with or intimidate the engineer or drum runner in the discharge of his duties.

(4) In a mine worked by shaft, slope or incline, no more than ten persons shall ride in any cage or car at one time, without the approval of the district mine inspector and the chief of the department, and no person shall ride on a loaded cage or car, except that where special man cars or cages are

employed to haul workmen on inclines the chief may regulate the method and procedure of handling of man cars, cages and workmen.

§ 26. (1) On single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places of refuge on one side not less than three feet in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart, where haulage is done by machines, and not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart where haulage is done by draft animals.

(2) Special places of refuge are not required on haulage roads on which room necks or break-throughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.

(3) No person shall travel on foot to or from work upon any slope used for haulage or upon any haulage road when other roads in proper condition for travel are available.

(4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light on the front and a light or marker on the rear of every trip or train of cars when in motion in the mine.

§ 27. Whenever fire, explosion or other accident in a clay and fluorspar mine or in the machinery connected there-

with causes loss of life or serious personal injury, the superintendent of the mine, or if he is absent the mine foreman in charge of the mine, shall immediately give notice forthwith to the district mine inspector, stating the particulars of the accident, and if anyone is killed thereby, to the chief of the department. The district mine inspector shall immediately go to the scene of the accident and make such investigation and suggestions and render such assistance as he deems necessary for the future safety of the employes, investigate the cause of the fire, explosion or accident, make a record thereof and forward it to the chief. The record shall be preserved with the other records of his office. To aid in making such investigations, the chief or the district mine inspector may compel the attendance of witnesses and administer oaths.

§ 28. (1) For every fifty men and fraction thereof employed underground, the operator of each mine shall keep on hand at the mine one properly constructed stretcher, one waterproof woolen blanket, and all other necessary equipment advised by the department.

(2) Each operator shall see that all employes receive the necessary first-aid training for the safety of themselves and their fellow workmen as recommended by the department, and each employe shall accept the necessary training.

§ 29. (1) Except as provided in subsection (2), every miner shall thoroughly examine the roof and general conditions of his working place before commencing work there, and if he finds loose rock, slate or other dangerous conditions that he can remedy he shall take down the loose rock or slate or securely prop it, and otherwise make his place safe before doing any other work there, and during the progress of his work each miner shall carefully watch his working place, and if dangerous conditions develop shall either make it safe or abandon the place until it is made safe.

(2) Where the operator elects to do the timbering the miner shall forsake his working place until the place has been made safe.

§ 30. No person shall knowingly injure any shaft lamp, instrument, air course or brattice, obstruct or throw open airways, disturb any part of the machinery or appliances, open a door used for directing ventilation without closing it afterwards, enter any part of the mine against caution, disobey any order given in carrying out any of the provisions of this Act, do any act endangering the life or health of any person employed in the mine or endangering the security of the mine or enter or be about any mine while intoxicated or under the influence of alcohol.

§ 31. (1) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one-half feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection.

(2) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal, clay or fluorspar.

(3) When machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in subsection (1).

(4) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of room,

when so ordered by the department, but wires, when protected as provided for in subsection (1), may be placed across the necks of rooms. Switches or circuit brakers shall be provided to control the current at the mine, and all important sections in the mine.

(5) All power wires and cables in hoisting shafts or man-way compartments shall be properly insulated, substantially fixed and well protected.

§ 32. (1) No employe shall take into any mine any larger quantity of powder or other explosive than he may reasonably expect to use in any one shift, and all explosives shall be carried into the mine in an approved insulated or nonconductive receptacle of a capacity not to exceed one shift's supply, and properly closed with an approved top. All detonators or electric squibs shall be carried into the mine in an approved nonconductive receptacle with approved top and of a capacity not to exceed one shift's supply. Each miner shall see that all explosives are separated from detonators, squibs or fuses by at least twelve feet in all working places.

(2) No shots shall be fired in any place known to liberate explosive gas until the place has been properly examined by a competent person designated for that purpose, and no shots shall be fired in any place where gas is detected until the gas has been removed by means of ventilation. After firing any shot no workman shall return to the working place until the smoke has cleared away, and before starting work he shall make a careful examination as to the condition of the roof, and do what is necessary to make the place safe before beginning to load clay, fluorspar or refuse.

(3) No more than one kind of explosive shall be used in the same drill hole, except in strip mining operations. Every blasting hold shall be tamped full from the explosive to the mouth and no inflammable material shall be used for tamping.

Where dynamite or keg powder is used the method and procedure shall be approved by the district mine inspector and the chief of the department. No fuses shorter than the depth of the drill hole shall be used.

(4) No explosives or detonators shall be hauled on any trip operated by electric haulage motors unless they are enclosed in nonconducting boxes, containers or cars approved by the district mine inspector and the chief of the department.

(5) Trips hauling explosives shall not carry workmen other than those operating the trip, and explosives shall not be hauled into or out of the mine within five minutes preceding or following any trips in which men are handled. When traveling with the air current, the explosive trip shall precede the man trip; when traveling against the air current, the man trip shall precede.

(6) If a safer method of transporting and handling explosives or detonators is made available after proper and sufficient tests and experiments, the chief may approve the method, and that method may be used in lieu of the methods provided in this section.

§ 33. Buildings used for the storage of oils or similar inflammable material shall not be located within one hundred feet of any hoisting or escape shaft or mine opening. Oil and grease used in mines shall be taken into the mine from day to day with one day's supply being the maximum.

§ 34. (1) Where six or more persons are employed in a commercial clay and fluorspar mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with a flame safety lamp, the operator shall employ

a mine foreman of the first class. If explosive gas is not present, the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable to personally carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons having had at least three years' experience in clay and fluorspar mines to act as assistants to the mine foreman, and under his instructions. The mine foreman shall be responsible for their conduct in the discharge of their duties.

§ 35. The mine foreman shall exercise general supervision over the ventilating apparatus and the airways, traveling ways, working places, pumps and drainage, and shall see that as the miners advance their excavations proper breakthroughs are made as required by law to properly ventilate the mine. He shall see that employes are provided with sufficient props, cap pieces, and timbers of suitable size, which shall be delivered to the working place when requisitioned by the employes, and shall see that the props are cut as square as practicable at both ends and as near as practicable to the proper length required or designated for the places where they are to be used. The mine foreman shall see that the water is drained as nearly as practicable out of the working places, and that the working places are kept as free from water as practicable during working hours. The owner, lessee, or operator of each mine shall see that the water drained from the mine is drained as directly as practicable to the adjacent streams or water-courses. He shall see that every person employed to work in the mine is, before beginning to work, instructed in the particular danger incident to his work in the mine and furnished a copy of the rules of the mine. He shall immediately report all violations of mining laws to the operator or superintendent, who shall report the violations to the district mine inspector.

§ 36. The mine foreman shall visit and carefully examine each working place in the mine each day or oftener while the mine employes are at work, and shall direct the miners so that each working place shall be secured by props or timbers where necessary. He shall examine as live workings, on regular inspections, all places in live sections that are temporarily abandoned. If the mine foreman finds any place to be in a dangerous condition, he shall not leave the place until it is made safe, or until the employes working therein are removed until the place is made safe. He shall not allow any person who may be endangered by the presence of explosive or noxious gases to enter that portion of the mine until the gases have been removed. He shall direct and see that all dangerous places and the entrances to worked-out and abandoned places in all mines are properly fenced off across the openings so that no person can enter, and that danger signals are posted upon the fencing to warn persons of existing danger. He shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss or any person working in the mine, and if it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists. He or his assistants shall, at least once every week, travel and examine all the air courses, roads and openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found. The record shall be made with ink or indelible pencil in the record book provided for that purpose.

§ 37. (1) The mine foreman shall notify, in writing, the operator or superintendent of the mine of his inability to comply with any of the requirements of the mining laws, and the operator or superintendent shall at once attend to the matter complained of by the mine foreman so as to enable him to comply with the mining laws.

(2) The mine foreman shall each day enter and sign plainly with ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine. The report shall clearly state any danger that comes under his observation during the day or is reported to him by his assistants or by the fire bosses, and shall state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the mining laws are being complied with. The mine foreman shall each day read carefully, and countersign with ink or indelible pencil, all reports entered in the record book of the fire bosses.

§ 38. (1) The mine foreman shall see that break-throughs are made as required by law, and shall see that ventilation is conducted by means of the break-throughs through the rooms by means of check doors or curtains placed on the entries or other suitable places, and shall not permit any room to be opened in advance of the ventilating current.

(2) At least once a month the mine foreman, with an anemometer furnished by the operator, shall measure the air current at the inlet and outlet and at or near the faces of advanced headings, and shall keep a record of such measurements in a book furnished and having a form prescribed by the chief of the department.

(3) The mine foreman shall see that signboards directing the way to outlets or escape ways are conspicuously placed throughout the mine.

§ 39. The operator, superintendent or mine foreman shall have boreholes kept not less than twelve feet in advance of the face, and, where necessary, on the sides, if the working places that are being driven are in dangerous proximity to an abandoned mine, or part thereof, that is suspected of containing noxious gases, or is filled with water. If there is a map of the abandoned mine or part thereof, the bore-

holes shall be started when the working places have approached within fifty feet of the abandoned mine or part thereof, but if there is no such map the boreholes shall be started when the advanced working places are within one hundred feet of where the abandoned workings are supposed to be.

§ 40. In case of the death or resignation of a mine foreman, the superintendent shall select a competent certified man, if one is available, and if not, he may temporarily select any other competent man, who, if approved by the district mine inspector and the chief of the department, may serve until the next examination. He shall, while acting as mine foreman, have the same duties and be liable to the same penalties.

§ 41. The Board of Examiners may revoke the certificate of a mine foreman if it is established in the judgment of the board that the holder has become unworthy to hold the certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, wilful failure to comply with the instructions of the district mine inspector to obey the mining laws, or for other just cause. The certificate holder against whom charges are made may appear before the board and defend against the charges, and shall have five days, notice in writing of the charges previous to the hearing.

§ 42. (1) The operator of any mine may adopt special rules consistent with this Act, for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the chief of the department. The rules, when adopted and approved in writing by the chief, shall be printed on cardboard in the language spoken by seventy-five per cent or more of the employes at the mine, and shall be posted on a bulletin board or some other

conspicuous place about the mine where they may be seen by the employes at the mine. When the rules are so adopted, approved and posted, all employes at the mine shall be deemed to have notice thereof, and to have agreed thereto, and they shall obey the rules.

(2) The mine rules shall be printed in a form prescribed by the chief of the department.

(3) Each mine operator, when requested by an employe, shall furnish him a copy of the mine rules.

§ 43. (1) Each superintendent shall, on behalf and at the expense of the operator, keep on hand at or within convenient distance of the mine a sufficient quantity of all materials and supplies required to preserve the safety of employes, as ordered by the mine foremen and required by law. If the superintendent cannot procure the necessary materials or supplies, he shall at once notify the mine foreman who shall withdraw the men from the mine until the materials or supplies are received.

(2) The superintendent shall, at least once each week, read and examine carefully and countersign all reports entered in the mine record book of the mine foreman.

(3) The operator or superintendent shall co-operate with the mine foreman and other officials in the fulfillment of their duties under this Act, and shall direct that the mine foreman and all other employes under him comply with the law, especially when his attention is called by the district mine inspector or by the chief of the department to any violations of the laws.

(4) The superintendent shall keep on hand at the mine a supply rules, notices and record books required by this chapter. The record books shall be furnished through the

district mine inspector or through the chief of the department, on written request of the operator or superintendent. The superintendent shall see that rules, notices and record books are delivered to the proper persons at the mine and properly cared for, and that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept legible.

§ 44. (1) The operator or superintendent of every clay and fluorspar mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) If any inspector discovers that any mine does not conform to the provisions of this Act in respect to appliances for the safety of employers, or that by reason of any defect or practice in or about the mine the lives or health of persons employed therein are endangered, he shall immediately notify the operator or superintendent thereof, orally and in writing, stating the particulars in which he considers the mine to be defective or dangerous, and if he deems it necessary for the protection of the lives and health of the persons employed in the mine, he shall, after giving written notice to the operator or superintendent, immediately notify the chief of the department. The chief shall forthwith summon the operator, superintendent and the district mine inspector to discuss at the mine the unsafe practices, defects or unhealthful conditions in the mine, and, if the chief determines that for the safety of the employes the mine should be closed, he shall forthwith order the mine to be closed until it is placed in a safe and proper condition for mining operations.

(3) The owner or operator of any mine so closed may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or

judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted.

(4) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's Attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

§ 45. If seventy-five per cent of the employes of any mine are dissatisfied with the inspection of the mine made by a district mine inspector, they may appeal in writing to the Department of Mines and Minerals, setting forth clearly and in detail the reasons for their dissatisfaction. The chief of the department shall carefully consider the appeal and promptly take action by ordering another inspection to be made by the district mine inspector, either alone or in company with another district mine inspector, detailed by the chief for the purpose, if that course appears to him to be warranted by the facts set forth in the appeal, or the chief may take such other action as appears to him to be just and proper. The appeal shall be signed by the dissatisfied persons.

§ 46. (1) The operator or superintendent of each clay or fluorspar mine shall annually not later than January 6, make or cause to be made an accurate map of the workings of the mine, on a scale of one hundred, two hundred, three hundred or four hundred feet to the inch, showing the area mined and the forms of the excavations up to January 1, together with the location and connection of the lines of all adjoining lands within one thousand feet of the excavations, and the name of each owner so far as known, marked on

each tract. The operator or superintendent shall deposit a true copy of the map with the chief of the department within forty-five days after January 1, and another copy of the map shall be kept at the office of the mine.

(2) After making and filing the map with the chief, the operator or superintendent thereafter is only required to file annually with the chief, within the time specified, such additional map and statement as is necessary to show the progress of the workings, the amount and forms of excavations and the property lines within one thousand feet of the excavations extended since the date of the preceding map. The chief shall annually, before January 1, give notice that the map is required.

(3) The chief may, if he deems it advisable, require any operator or superintendent to furnish a map other than those required in subsections (1) and (2), and the operator or superintendent shall immediately comply with the requirements.

§ 47. If the operator or superintendent of any clay or fluorspar mine fails to furnish to the chief of the department any map required by §46 of this Act, the chief may cause a correct survey and map of the mine or extensions thereof to be made at the expense of the owner, lessee or operator of the mine, and the cost of the map shall be recoverable from the owner, lessee or operator in the same manner as debts are recoverable by law. If at any time the chief has reason to believe that any map furnished under §46 of this Act is incorrect, so that it will not serve the purpose for which it was intended, he may have a survey and map made or corrected, and the expense of making the survey, map or correction shall be paid by the owner, lessee or operator of the mine, or recovered in the same manner as debts are recoverable by law; but if the map furnished by the operator or superin-

tendent is found to be correct, the expense of the survey and drafting of the map shall be paid by the state.

§ 48. (1) The correctness of each map provided for by §§46 or 47 of this Act shall be certified by the person making the map, as follows:

"I, the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all the information required by the mining laws of this state, and covers the period ending .... Engineer.

"Acknowledged before me, a ....., this..... day of ....."

.....

.....

(2) The chief of the department may reject any map as incomplete if its accuracy is not so attested.

§ 49. (1) Before removing any clay or fluorspar or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any clay or fluorspar mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the clay or fluorspar operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The clay or fluorspar operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled,

or to any proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use or drilling of the well, the well owner or operator affected may within five days from the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the clay or fluorspar operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of each said five-day period. At the hearing the clay or fluorspar operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department, after a full hearing, shall make a decision defining what clay and fluorspar, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by either party as provided in §4 of this Act. The department shall keep a complete record of all such hearings.

(2) The clay and fluorspar operator shall, at least every six months, bring up to date the maps and plans required by this section, or file new maps and plans complete to date.

§ 50. Sections 352.560 through 352.610, and subsection (20) of section 342.990, of the Kentucky Revised Statutes of 1942, are repealed.

§ 51. (1) Any clay or fluorspar operator who violates any of the provisions of section twelve of this Act shall be fined not less than twenty-five nor more than two hundred dollars.

(2) Any person who violates any of the provisions of subsection (1) of section thirteen of this Act shall be fined not less than twenty-five nor more than two hundred dollars.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	Kleber F. Price
F. H. Bassett, Jr.	Clyde S. Howard	James E. Quill
W. G. Biggers	Jerry F. Howell	C. R. Reeves
Douglas T. Bolling	W. N. Hughes	Wade H. Riley
J. C. Bradley	W. H. Hunt	Amos Runyon
Jno. W. Burkhart	Lee Johnson	Carl Scheben
Chas. W. Burnley	Paul S. Jonas	F. W. Schuhmann
C. D. Call	Wm. E. Justice	Vernon Seaton
Jno. H. Clarke, Jr.	M. Kavanaugh	Leon J. Shaikun
A. Roy Copeland	G. M. Knuckles	Jno. W. Simmons
Marvin Cornett	J. T. Linton	Faust Y. Simpson
John P. Craig	Homer E. Losey	George T. Smith
Thos. S. Dawson	A. L. Love	Robt. J. Spaulding
Adron Doran	Pearl McKinney	E. A. Spencer
J. R. Dorman	Johnston Miller	Arthur Stallard
T. H. Dyer	Harry L. Moore	Geo. W. Steinford
Bernie S. Edlin	Herbert V. Moore	Joe Stewart
Dr. J. C. Gabbard	L. D. Moore	Roy L. Taylor
Chas. B. Gentry	W. B. Moser	H. Thieman, Jr.
Franklin Goins	C. Sid Nabb	Otis C. Thomas
R. M. Hall	H. C. Patterson	John L. Trumbo
Claude Hammons	Chester Peterson	R. E. West

—66

Those who voted in the negative were—

Fred Carpenter	Benton Howard	—2

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, and without objections, Mr. Quill offered the following resolution, viz.:

H. Res. 85. Resolution authorizing the printing of the last day's issue of the Legislative Digest for the members of the General Assembly.

Said resolution is as follows, viz.:

A JOINT RESOLUTION providing for a supplemental Legislative Digest to be printed after all bills have been approved or disapproved, or become a law without the signature of the Governor, and a copy thereof mailed or distributed to each member of the General Assembly and each officer to which they have heretofore been distributed,

WHEREAS, only one Legislative Digest will be printed after today under our former Resolution, and

WHEREAS, the members of the General Assembly from a study of that Legislative Digest can not determine what bills became effective or failed on account of the Governor disapproving same.

Now therefore be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Journal Plant of the C. T. Dearing Co. Inc. be and they are hereby authorized to issue a supplemental Legislative Digest immediately after the date when

all bills become effective without the Governor's signature, and that said Supplemental Legislative Digest shall only disclose the number of the bill, its title, whether it be a House or Senate Bill, and the number of each Resolution, its title, and the fact whether or not it has become effective or was disapproved by the Governor; and that this supplemental Legislative Digest shall be published in addition to the issue of that of tomorrow, and mailed or distributed to each member of the General Assembly and each officer to which they have heretofore been distributed, with tomorrow's issue.

Said resolution was then adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 155. AN ACT empowering and directing the Treasurer of the Commonwealth of Kentucky to invest funds in his hands belonging to boards, institutions, and agencies not supported in whole or in part by taxation.

Said bill is as follows, viz.:

WHEREAS: There are several boards, institutions and agencies of the Commonwealth supported by private funds, contributions and fees collected in the furtherance of their purposes, and not supported in whole or in part by money raised by taxation, which now or may have to their credits in the Treasury of the Commonwealth surplus funds, arising in the manner stated; and

WHEREAS: It is deemed advisable, as well as patriotic, to invest such surplus funds in War or Victory bonds or other bonds of the United States Government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Treasurer of Kentucky is hereby empowered to invest surplus funds of any board, institution or agency of the Commonwealth which is not in whole or in part supported or maintained by means of monies raised by taxation, and whose operating funds are accumulated solely by means of contributions, gifts, private funds or fees collected in the operation of its functions, in War or Victory bonds, or other bonds of the United States of America.

(2) Such surplus funds shall not be so invested unless and until the authorized head, or the governing body of such board, institution or agency shall give direction in writing to the Department of Finance that such investment shall be made, and when so given the Department of Finance shall by its warrant direct that such investment be made on behalf of the particular board, agency or institution.

(3) The Treasurer shall be custodian of such bonds as are purchased, to be held under the same duties, restrictions and liabilities as are now imposed by law as to public funds. Provided that such bonds are to be earmarked for the use and benefit of the particular board, agency or institution, and may be sold or redeemed by the Treasurer, upon the written request of the head or governing body of such board, institution, or agency entitled to the funds, the proceeds to be administered, cared for and withdrawn as provided by Section 41.290 Kentucky Revised Statutes, or as may hereafter be provided by law.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	L. W. Preston
F. H. Bassett, Jr.	Benton Howard	Kleber F. Price
W. G. Biggers	Clyde S. Howard	James E. Quill
Douglas T. Bolling	J. J. Huff	C. R. Reeves
J. C. Bradley	W. N. Hughes	L. Allen Rhoads
Jno. W. Burkhart	W. H. Hunt	H. G. Royalty
Chas. W. Burnley	Lee Johnson	Amos Runyon
C. D. Call	Paul S. Jonas	Carl Scheben
Fred Carpenter	Wm. E. Justice	F. W. Schuhmann
Jno. H. Clarke, Jr.	M. Kavanaugh	Vernon Seaton
A. Roy Copeland	G. M. Knuckles	Leon J. Shaikun
Marvin Cornett	J. T. Linton	Jno. W. Simmons
John Henry Cox	Homer E. Losey	Faust Y. Simpson
John P. Craig	A. L. Love	George T. Smith
Fred Creasey	Pearl McKinney	Robt. J. Spaulding
Thos. S. Dawson	C. C. May	E. A. Spencer
J. R. Dorman	Johnston Miller	Arthur Stallard
T. H. Dyer	Harry L. Moore	Geo. W. Steinford
Bernie S. Edlin	Herbert V. Moore	Joe Stewart
Dr. J. C. Gabbard	L. D. Moore	Egbert V. Taylor
Chas. B. Gentry	W. B. Moser	H. Thieman, Jr.
Franklin Goins	C. Sid Nabb	Otis C. Thomas
J. D. Gross	Joe E. Nunn	John L. Trumbo
R. M. Hall	H. C. Patterson	R. E. West
Claude Hammons	Chester Peterson	Taylor Witt

—75

Those who voted in the negative were—

Wade H. Riley	C. W. Taylor	—2

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 29. AN ACT relating to the Department of Law; repealing, amending, and reenacting section 15.020 Kentucky Revised Statutes; prescribing the duties and powers of the Attorney General; providing for the employment and compensation of special counsel for the Commonwealth; and repealing sections 15.030 and 15.040 Kentucky Revised Statutes of 1942, and also sections 12.150 to and including 12.180 Kentucky Revised Statutes of 1942, and chapter 106 of the Acts of 1942; and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section One. Section 15.020 of the Kentucky Revised Statutes of 1942 is repealed, amended and reenacted so as to read as follows:

"The Attorney General is the chief law officer of the Commonwealth of Kentucky and all of its departments, commissions, agencies, and political subdivisions, and the legal adviser of all state officers, departments, commissions, and agencies, and when requested in writing shall furnish to them his written opinion touching any of their official duties, and shall prepare proper drafts of all instruments of writing required for public use, and shall exercise all common law duties and authority pertaining to the office of the Attorney General under the common law, except when modified by statutory enactment. He shall appear for the Commonwealth in all cases in the Court of Appeals wherein the Commonwealth is interested, and shall also commence all actions or enter his appearance in all cases, hearings, and proceedings in and

before all other courts, tribunals, or commissions in or out of the state, and attend to all litigation and legal business in or out of the state required of him by law, or in which the Commonwealth has an interest, and any litigation or legal business that any state officer, department, commission, or agency may have in connection with, or growing out of, his or its official duties, except where it is made the duty of the Commonwealth's Attorney or County Attorney to represent the Commonwealth; When any attorney is employed for any said agency, the same shall have the approval of such agency before such employment.

Section Two. A new section of the Kentucky Revised Statutes is created, to be numbered 15.050, and to read as follows:

"(1) No state officer or agency shall employ or be represented by an attorney other than the Attorney General unless an emergency arises which, in the opinion of the Attorney General, requires the employment of other or additional counsel to protect the interest of the Commonwealth, or a litigation arises in which the Attorney General has an adverse interest. In either event the Attorney General shall in writing set forth the reasons for the employment, and request the Governor to employ other or additional counsel.

"(2) Before other or additional counsel is employed his fee and compensation shall be fixed by written contract by the Attorney General and the counsel, subject to the approval of the Governor; and the written request and a copy of the contract shall be filed in the office of the Secretary of State; copy of the written request and of the contract shall be kept on file in the office of the Attorney General. But in the event that additional counsel must be employed because the Attorney General has an adverse interest in the litigation, the contract employing said other counsel shall be made by the officer or agency involved, and the counsel employed sub-

ject to the approval of the Governor. A copy of such contract shall also be filed in the office of the Secretary of State and the office of the Attorney General.

"(3) The fees, compensation, and expenses contracted to be paid to said other or additional counsel shall be paid out of funds designated by the Governor.

Section Three. Sections 15.030 and 15.040 Kentucky Revised Statutes of 1942, and also sections 12.150 to and including 12.180 Kentucky Revised Statutes of 1942, and chapter 106 of the Acts of 1942, are hereby repealed.

Section Four. All acts and parts of acts in conflict with this act are repealed to the extent of such conflict. Provided, however, that nothing in this Act is intended to or shall be construed to apply to any contract of employment with any attorney or attorneys heretofore made pursuant to law, nor shall any of the provisions of this Act be construed to prohibit or to limit the right of any attorneys now employed by the Commonwealth or any of its Departments pursuant to contract made under statutory authority to represent the Commonwealth or such Department in any suits, actions, or proceedings authorized under such contracts of employment. The provisions of this Act shall not apply to any of such cases.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. H. Hunt	C. R. Reeves
W. G. Biggers	Lee Johnson	Wade H. Riley
Douglas T. Bolling	Paul S. Jonas	H. G. Royalty
Jno. W. Burkhart	Wm. E. Justice	Amos Runyon
C. D. Call	M. Kavanaugh	F. W. Schuhmann
Fred Carpenter	G. M. Knuckles	Vernon Seaton
Jno. H. Clarke, Jr.	J. T. Linton	Leon J. Shaikun
A. Roy Copeland	Homer E. Losey	Jno. W. Simmons
Marvin Cornett	A. L. Love	Faust Y. Simpson
John Henry Cox	Pearl McKinney	George T. Smith
Adron Doran	C. C. May	E. A. Spencer
J. R. Dorman	Johnston Miller	Geo. W. Steinford
T. H. Dyer	Harry L. Moore	C. W. Taylor
Bernie S. Edlin	Herbert V. Moore	Egbert V. Taylor
Dr. J. C. Gabbard	W. B. Moser	Roy L. Taylor
Chas. B. Gentry	Coy C. Nevitt	H. Thieman, Jr.
J. D. Gross	Joe E. Nunn	Otis C. Thomas
R. M. Hall	H. C. Patterson	E. B. Thompson
B. C. Holbrook	Chester Peterson	John L. Trumbo
Benton Howard	J. Gip Prather	Harry F. Walters
Jerry F. Howell	L. W. Preston	R. E. West
J. J. Huff	Kleber F. Price	
W. N. Hughes	James E. Quill	—67

Those who voted in the negative were—

Chas. W. Burnley	H. Clay Kauffman	Joe Stewart
Jas. P. Hallahan	Carl Scheben	Thos. M. Swope
Claude Hammons	Robt. J. Spaulding	—8

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

AN ACT to amend and re-enact Sections 97.470 97.430 Kentucky Revised Statutes, 1942, Edition, pertaining to the Secretary and Treasurer of Boards of Park Commissioners in Cities of the Second Class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 97.430 of the Kentucky Revised Statutes 1942 Edition, be and the same is hereby amended and re-enacted so that when so amended and re-enacted said section shall read as follows:

"97.430 (3235b-6) Compensation of Secretary and Treasurer; members not to receive pay or hold other office.

The secretary and treasurer of each board may receive an annual salary of not over five hundred dollars, to be fixed by the board and paid out of the fund appropriated for park purposes. The members of the boards shall receive no compensation for their services as members, but a member who is elected secretary and treasurer of his board may receive the compensation authorized by this section for his services as such. No member of either board may hold any office, appointment or employment under the city or any department or institution of the city."

Section 97.470 Kentucky Revised Statutes, 1942 Edition, is amended to read as follows:

"97.470 (3235b-12; 3235b-13) Appropriations for park purposes; separate funds for white and colored park boards.

(1) The city may appropriate a sufficient sum to provide for the purchase, care and improvement of public parks, and to meet the expenses of the boards of park commissioners, and may maintain public parks out of the city funds to the same extent as it is authorized to maintain other public property.

(2) Two funds in whatever amounts the city legislative body deems sufficient for the care and maintenance of public parks may be annually appropriated for that purpose, and each shall be held by the Secretary and Treasurer of the Park Board in a separate and distinct account, and a Secretary and Treasurer shall be appointed by each of such Park Boards, who shall pay out the money only upon an order issued by the board of park commissioners for which the Secretary and Treasurer is serving, which order shall be signed by the Secretary and Treasurer and countersigned by its President, and after a bill for the withdrawal has been approved by the board at session assembled. In no event shall the secretary and treasurer honor in any one year orders for a greater sum than the amount appropriated for park purposes.

Mr. Burnley offered the following amendment to said bill, viz.:

Amend S. B. 147 in House on page 2, lines 24 through 36 by striking out all of subsection (2) being lines 24 through 36 and inserting in lieu therefor, the following:

"Two funds in whatever amounts the city legislative body deems sufficient for the care and maintenance of public parks may be annually appropriated for that purpose. The funds may be directed by the legislative body to be held by the treasurer of the city in separate and distinct accounts, one for the use of the white park board and the other for the use of the colored park board, or the legislative body may direct

that the funds be held by the secretary and treasurer of each park board in a separate account, in which event a secretary and treasurer shall be appointed by each of such park boards. The city treasurer or the secretary and treasurer of the park board shall pay out money from such accounts only upon an order issued by the board of park commissioners for which the funds have been appropriated, which order shall be signed by the secretary and treasurer and countersigned by its president, and after a bill for the withdrawal has been approved by the board at session assembled. In no event shall the city treasurer or the secretary and treasurer of a park board honor in any one year orders for a greater sum than the amount appopriated for park purposes for that board.

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative—

Chas. W. Anderson	Marvin Cornett	R. M. Hall
F. H. Bassett, Jr.	John Henry Cox	Claude Hammons
W. G. Biggers	Thos. S. Dawson	Benton Howard
Douglas T. Bolling	Adron Doran	Jerry F. Howell
J. C. Bradley	J. R. Dorman	J. J. Huff
Chas. W. Burnley	T. H. Dyer	W. H. Hunt
C. D. Call	Dr. J. C. Gabbard	Lee Johnson
Jno. H. Clarke, Jr.	Chas. B. Gentry	Paul S. Jonas
A. Roy Copeland	Franklin Goins	H. Clay Kauffman

M. Kavanaugh	L. W. Preston	George T. Smith
G. M. Knuckles	Kleber F. Price	Robt. J. Spaulding
A. L. Love	Edw. P. Prichard	E. A. Spencer
Pearl McKinney	James E. Quill	Geo. W. Steinford
Harry L. Moore	C. R. Reeves	Joe Stewart
Herbert V. Moore	L. Allen Rhoads	C. W. Taylor
C. Sid Nabb	Wade H. Riley	Egbert V. Taylor
Coy C. Nevitt	Amos Runyon	H. Thieman, Jr.
Jno. C. Newcomb	Carl Scheben	Otis C. Thomas
Joe E. Nunn	F. W. Schuhmann	E. B. Thompson
Chester Peterson	Vernon Seaton	Harry F. Walters
Albert W. Pfeiffer	Leon J. Shaikun	R. E. West
Sylvester Phillips	Jno. W. Simmons	Taylor Witt
J. Gip Prather	Faust Y. Simpson	—68

Resolved that the title thereof be as a foresaid.

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, and by unanimous consent, the House took up for consideration from the Orders of the Day, a bill entitled:

AN ACT relating to the classification of cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The City of Winchester in Clark County is hereby transferred from the fourth class to the third class of cities. H. B. 191 of the 1944 General Assembly is hereby repealed in so far as it conflicts with this Act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
W. G. Biggers
Douglas T. Bolling
C. D. Call
Fred Carpenter
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
B. C. Holbrook
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
A. L. Love
Pearl McKinney
Johnston Miller
Harry L. Moore
Herbert V. Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Jno. C. Newcomb
Chester Peterson
Albert W. Pfeiffer
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Taylor Witt

—70

Those who voted in the negative were—

J. T. Linton	Faust Y. Simpson	
Coy C. Nevitt	R. E. West	—4

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

AN ACT to provide a stenographer to the Commonwealth's Attorney in counties containing a city of the second class, and prescribing his duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In counties containing a city of the second class, the Commonwealth's Attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's Attorney. The stenographer shall do stenographic work for the Commonwealth's Attorney and perform such other duties assigned to him by the Commonwealth's Attorney, and shall have the same power of administering an oath as a notary public. The stenographer shall receive an annual salary of not less than Six Hundred ($600.00) Dollars, nor more than Twelve Hundred ($1200.00) Dollars, to be paid by the fiscal court out of the county levy in equal monthly installments. In judicial districts which

contain one or more other counties in addition to the county containing a city of second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's Attorney; and provided same is approved by the fiscal courts of such counties.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. B. Gentry	C. Sid Nabb
F. H. Bassett, Jr.	R. M. Hall	Jno. C. Newcomb
W. G. Biggers	Claude Hammons	Albert W. Pfeiffer
Douglas T. Bolling	B. C. Holbrook	Sylvester Phillips
J. C. Bradley	Benton Howard	J. Gip Prather
Jno. W. Burkhart	Clyde S. Howard	Kleber F. Price
Chas. W. Burnley	W. N. Hughes	Edw. P. Prichard
Jno. H. Clarke, Jr.	W. H. Hunt	James E. Quill
Marvin Cornett	Lee Johnson	L. Allen Rhoads
John Henry Cox	Wm. E. Justice	Wade H. Riley
John P. Craig	G. M. Knuckles	H. G. Royalty
Fred Creasey	A. L. Love	Amos Runyon
Thos. S. Dawson	Pearl McKinney	Carl Scheben
Adron Doran	Johnston Miller	F. W. Schuhmann
J. R. Dorman	Harry L. Moore	Leon J. Shaikun
T. H. Dyer	Herbert V. Moore	George T. Smith
Bernie S. Edlin	L. D. Moore	Robt. J. Spaulding
Dr. J. C. Gabbard	W. B. Moser	E. A. Spencer

Arthur Stallard	C. W. Taylor	John L. Trumbo
Geo. W. Steinford	Egbert V. Taylor	S. J. Wagner
Joe Stewart	H. Thieman, Jr.	R. E. West
Thos. M. Swope	E. B. Thompson	Taylor Witt

—66

Resolved that the title thereof be as aforsaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 34. An Act to make it unlawful for any two or more insurance companies, writing the same class, or classes, of risks, and doing business in this Commonwealth, to enter into any arrangement, contract, agreement, understanding, combination, or association to require, coerce, or induce any agent, or representative, of any two, or more, of such insurance companies within this Commonwealth to refrain from representing any other such insurance company, or companies, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, or to offer, or afford, any advantage to such agent, or representative, for refraining from representing such other insurance company, or companies; or to impose upon such agent any disadvantage by reason of his acting as representative of such other insurance company, or companies, or for any insurance agent representing two or more insurance companies, authorized to write the same class, or classes, of business in this Commonwealth, and doing business herein, to enter, directly or indirectly, into any agreement, arrangement, contract or understanding with one or more of such companies that he will

refrain from representing any other company, or companies, authorized to write the same class, or classes, of business in this Commonwealth, and doing business herein; and to provide penalties for the violation of said Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. It is hereby declared to be unlawful for any two or more insurance companies, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, directly or indirectly, to enter into any arrangement, contract, agreement, understanding, combination, or association to require, coerce, or induce any agent, or representative, of any two or more of such insurance companies within this Commonwealth, to refrain from representing any other insurance company, or companies, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, or to offer or afford any advantage to such agent, or representative, for refraining from representing such other insurance company, or companies, or to impose, or threaten to impose, upon such agent, or representative, any penalty, or disadvantage, if he should agree to, or does, act as representative of such other insurance company, or companies, in this Commonwealth, or any part thereof.

2. It shall be unlawful for any insurance agent representing, or acting for, two (2) or more insurance companies authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, to enter, either directly or indirectly, into any agreement, arrangement, contract, or understanding with one (1) or more of such companies that he will refrain from representing in this Commonwealth, or any part thereof, any other insurance company, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein.

3. Nothing herein contained shall be deemed, or construed, as declaring it to be unlawful for any insurance company authorized to write risks in this Commonwealth to enter into a bona fide contract with an agent whereby the latter agrees that he will thereafter represent said single company exclusively in this Commonwealth, or any part thereof, or as declaring that it shall be unlawful for any agent to enter into such a contract with a single insurance company.

4. For violation of any provision of this Act, the license of the offending company, or companies, or agent, to transact the business of insurance within this Commonwealth shall be suspended for a period of three (3) years. Whenever information of any such violation shall come to the knowledge, or be brought to the attention, of the Director of the Division of Insurance of this Commonwealth, he shall issue and cause to be sent by registered mail, with postage prepaid, to the company, or companies, and/or agent or agents, suspected, or accused of violating same, and to any person, who has, to the Director's knowledge, accused them of doing so, at their last known addresses, a notice fixing a day certain, not less than twenty (20), nor more than thirty (30) days from the date of issuance of said notice, upon which the company, or companies, or agent, accused or suspected of having violated same shall appear and show cause why its, his, her, or their license, or licenses, to transact the business of insurance in this Commonwealth should not be revoked for a period of three (3) years, which notice shall specify with reasonable certainty the offense charged. If, after a hearing, held pursuant to said notice, the Director shall determine that any company, or the agent, thus notified to appear is guilty of violating the provisions of section 1 or 2 of this Act, he shall forthwith suspend the license of the company, or agent, so found guilty, to transact the business of insurance in this Commonwealth for a period of three (3) years. The hearing before the Director hereinabove provided for shall be public and at any such hear-

ing any person, or corporation, having lodged information of any alleged violation with the Director, as well as the alleged offender, or offenders, shall have the right to be present, be represented by counsel, and introduce evidence as to whether the accused was, or was not, guilty of the offense charged. Within thirty (30) days after the issuance of an order by the Director suspending the license of any company, or agent, to transact the business of insurance in this Commonwealth for a period of three years, because in his opinion such company, or agent, has violated the provisions of Section 1 or 2 of this Act, the Company, or agent, whose license has been so suspended shall be entitled to appeal from the decision of the Director by suit brought in the Franklin Circuit Court, which Court shall hear the entire matter de novo and enter judgment in accordance with the law and the evidence presented to it on the trial of said cause.

3. All Acts, or parts of Acts, in conflict herewith are hereby repealed.

Mr. Seaton offered the following amendment to said bill, viz.:

Amend S. B. 34 on page 2 at the end of printed bill by adding the following, at the end of the printed bill:

"Exceptions. None of the provisions of this Act shall apply to assessment or cooperative associations or companies, mutual companies, reciprocal or inter-insurance exchanges, their attorneys in fact, or their agents, servants or employees or representatives."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Paul S. Jonas	H. G. Royalty
F. H. Bassett, Jr.	H. Clay Kauffman	Carl Scheben
W. G. Biggers	G. M. Knuckles	F. W. Schuhmann
Isaac Blevins	Pearl McKinney	Vernon Seaton
Jno. W. Burkhart	Johnston Miller	Robt. J. Spaulding
C. D. Call	Harry L. Moore	E. A. Spencer
Fred Carpenter	Herbert V. Moore	Arthur Stallard
John P. Craig	L. D. Moore	C. W. Taylor
Thos. S. Dawson	C. Sid Nabb	Egbert V. Taylor
T. H. Dyer	Jno. C. Newcomb	Roy L. Taylor
Bernie S. Edlin	H. C. Patterson	Otis C. Thomas
Dr. J. C. Gabbard	Albert W. Pfeiffer	E. B. Thompson
J. D. Gross	Sylvester Phillips	John L. Trumbo
R. M. Hall	J. Gip Prather	S. J. Wagner
Claude Hammons	L. W. Preston	R. E. West
B. C. Holbrook	Kleber F. Price	Taylor Witt
W. N. Hughes	James E. Quill	
Lee Johnson	Wade H. Riley	—52

Those who voted in the negative were—

Chas. W. Burnley	Benton Howard	Homer E. Losey
A. Roy Copeland	Clyde S. Howard	Coy C. Nevitt
John Henry Cox	Jerry F. Howell	Chester Peterson
Fred Creasey	J. J. Huff	Edw. P. Prichard
Adron Doran	Wm. E. Justice	Joe Stewart
Chas. B. Gentry	J. T. Linton	—17

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 83. An Act amending and re-enacting Section 64.090 Kentucky Revised Statutes, 1942 Edition, relating to fees sheriffs may charge and collect for certain services.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 64.090 of Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said section, as amended and re-enacted, shall read as follows, to-wit:

Sheriffs. Sheriffs may charge and collect for the following services the following fees:

Executing and returning process	$0.60
Serving an order of court and return	.50
Summoning each witness	.25
Summoning an appraiser or reviewer	.40
Each day's attendance in the county on a jury or attending a surveyor, when ordered by a court	1.00
Taking any bond that he is authorized or required to take in any action	.50

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, 6% on the first $300 and 3% on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by

order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking recognizance of a witness ..... .25

Levying an attachment ..... .60

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee ..... .50

Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted 2.00

Serving process or arresting the party in misdemeanor cases, to be paid by the party if convicted..... 2.00

Serving an order or process of revivor..... .50

Executing a writ of possession against each tenant or defendant 1.50

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses 3.00

Collecting militia fines and fee-bills, 10%, to be deducted out of the fee-bill or fine.

Levying for a fee-bill ..... .50

Serving a notice ..... .25

Serving warrants or process of arrest in bastardy cases 2.00

Serving each order appointing surveyors of roads, to be paid out of the county levy..... .50

Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant ..... .50

Like services in cases of private passways, to be paid by the applicant ..... .50

Services rendered in cases in the quarterly courts, the same fees given to constables in all cases where the amount claimed is $50 or under.

Executing each writ or habeas corpus, to be paid by the petitioner 1.00

All services under a writ issued under KRS 381.460 to 381.570 ..... 4.00

Attending by himself or deputy the regular terms of the county courts, a reasonable allowance per day, to be allowed by the county judge and paid out of the county levy, not exceeding 2.00

Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day 2.00

Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.

The provisions of this act shall not be construed to increase the compensation of any sheriff during his term of office, but shall become effective upon the expiration of the respective terms of those now in office.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. N. Hughes	L. W. Preston
F. H. Bassett, Jr.	W. H. Hunt	Kleber F. Price
W. G. Biggers	Lee Johnson	Edw. P. Prichard
Isaac Blevins	Paul S. Jonas	James E. Quill
Douglas T. Bolling	Wm. E. Justice	C. R. Reeves
Jno. W. Burkhart	H. Clay Kauffman	Wade H. Riley
Chas. W. Burnley	J. T. Linton	Amos Runyon
C. D. Call	Homer E. Losey	Carl Scheben
Fred Carpenter	A. L. Love	F. W. Schuhmann
Jno. H. Clarke, Jr.	Pearl McKinney	Vernon Seaton
A. Roy Copeland	C. C. May	Leon J. Shaikun
John Henry Cox	Johnston Miller	Jno. W. Simmons
John P. Craig	Harry L. Moore	Faust Y. Simpson
Thos. S. Dawson	Herbert V. Moore	Robt. J. Spaulding
Adron Doran	L. D. Moore	E. A. Spencer
J. R. Dorman	W. B. Moser	Arthur Stallard
T. H. Dyer	C. Sid Nabb	Geo. W. Steinford
Dr. J. C. Gabbard	Coy C. Nevitt	C. W. Taylor
Franklin Goins	Jno. C. Newcomb	H. Thieman, Jr.
R. M. Hall	Joe E. Nunn	Otis C. Thomas
B. C. Holbrook	H. C. Patterson	E. B. Thompson
Clyde S. Howard	Albert W. Pfeiffer	John L. Trumbo
Jerry F. Howell	Sylvester Phillips	S. J. Wagner
J. J. Huff	J. Gip Prather	Taylor Witt

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Those who voted in the negative were—

G. M. Knuckles	R. E. West	—2

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the House do now recess for twenty minutes.

Said motion was agreed to.

And then the House recessed.

Twenty minutes having expired, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 81. A Joint Resolution designating State Highway 49 from Liberty, Kentucky, to Lebanon, Kentucky, as the "Major Drye Highway".

Said resolution is as follows, viz.:

WHEREAS, L. M. Drye of Marion County, Kentucky, was a Major in the Union Army during the war between the States, and

WHEREAS, Wad Drye of Casey County, Kentucky, was a Major in the Union Army during the war between the States, and

WHEREAS, both the Majors Drye performed valorous and meritorious service for their country, especially along the highway from Liberty, Kentucky, to Lebanon, Kentucky.

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That State Highway Number 49, from Liberty, Kentucky, to Lebanon, Kentucky, shall be known and designated as the "Major Drye Highway".

Said resolution was then adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 14. AN ACT to amend and re-enact Section 133.220, Kentucky Revised Statutes, 1942 Edition, relating to the preparation and delivery of tax bills for listed property and poll taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

That Section 133.220, Kentucky Revised Statutes, 1942 Edition, be amended and re-enacted, so that said section, as amended and re-enacted, shall read as follows, to-wit:

(1) The Department of Revenue shall annually furnish to each county clerk sufficient bills and stubs for his use in the preparation of the tax books of his county with the exception of tax bills necessary for listing a poll tax for taxpayers assessing no property for taxation. The Department of Revenue shall furnish these tax bills within ten days after the Kentucky Tax Commission has rendered its certification.

The county shall annually furnish the county clerk with sufficient bills and stubs for his use in the preparation of tax bills for all taxpayers liable for a poll tax and who assess no property for taxation. The county shall furnish the county clerk sufficient tax bills for this purpose within ten days after the Board of Supervisors has adjourned.

(2) After receiving the forms the county clerk shall make out for the use of the sheriff or collector a book of tax bills and stubs. The book shall contain a correct tax bill and stub for

each taxpayer in the county who has been listed by the county tax commissioner or County Board of Supervisors or by the county clerk, and whose taxable property valuation has been approved by the County Board of Supervisors and equalized by the Kentucky Tax Commission. If the book is bound the cost of binding shall be paid out of the county levy. Each tax bill and stub show the rate of tax upon each one hundred dollars worth of property for state, county and school purposes; the name of the taxpayer; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property, the county poll; the school poll; the school tax; and the total amount of taxes due the state, county, school fund and other levies. The county clerk shall attest each tax bill and stub by signing it officially. In counties containing a city of the first class the clerk, at the time of making out the tax bills, shall cause the bill number of each tax bill to be inserted on the same line as name of the taxpayer on the assessment roll.

(3) The book of tax bills and stubs prepared in accordance with the certification of the Kentucky Tax Commission shall be delivered to the sheriff or collector by the county clerk before the second succeeding September 15 following the assessment date. The clerk shall take a receipt showing the number of tax bills and the total amount of tax due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county clerk, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff.

(4) When the county clerk has forwarded his final recapitulation to the Department of Revenue, as provided in KRS 133.190, he shall immediately make out the tax bills of all taxpayers who are liable for a poll tax and who assess no property for taxation. When the bills are made out, the clerk shall immediately turn them over to the sheriff for collection.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in acordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	W. H. Hunt	Kleber F. Price
J. C. Bradley	Lee Johnson	Edw. P. Prichard
Jno. W. Burkhart	Wm. E. Justice	James E. Quill
Chas. W. Burnley	H. Clay Kauffman	C. R. Reeves
Fred Carpenter	M. Kavanaugh	Wade H. Riley
Jno. H. Clarke, Jr.	G. M. Knuckles	Amos Runyon
Marvin Cornett	J. T. Linton	Carl Scheben
John Henry Cox	Homer E. Losey	F. W. Schuhmann
John P. Craig	A. L. Love	Vernon Seaton
Fred Creasey	Johnston Miller	Leon J. Shaikun
Adron Doran	Harry L. Moore	Jno. W. Simmons
J. R. Dorman	Herbert V. Moore	Robt. J. Spaulding
Harry W. Ennis	L. D. Moore	Arthur Stallard
Dr. J. C. Gabbard	W. B. Moser	Geo. W. Steinford
Claude Hammons	C. Sid Nabb	Joe Stewart
B. C. Holbrook	Coy C. Nevitt	Thos. M. Swope
Benton Howard	Joe E. Nunn	Egbert V. Taylor
Clyde S. Howard	Chester Peterson	H. Thieman, Jr.
Jerry F. Howell	Albert W. Pfeiffer	Otis C. Thomas
J. J. Huff	J. Gip Prather	E. B. Thompson
W. N. Hughes	L. W. Preston	Taylor Witt

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Those who voted in the negative were—

C. D. Call	Roy L. Taylor	R. E. West
H. G. Royalty	Harry F. Walters	

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 15. AN ACT to amend and re-enact Section 133.990, Kentucky Revised Statutes, 1942 Edition, relating to penalties to be imposed on certain officers for failure to discharge their duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

That subsection (7) of section 133.990, Kentucky Revised Statutes, 1942 Edition, be repealed and subsection (2) enacted which shall read as follows, to-wit:

(2) Any county clerk who fails to make out, for the use of the sheriff or collector, the book or books of tax bills and stubs provided in KRS 133.220, and deliver same to the sheriff or collector on or before September 15 of each year, shall pay a penalty of $10.00 for each day's delay which must be deducted by the Department of Revenue from such sum, or sums, as may be due, or become due from the Commonwealth for official duties, and the date of the receipt required to be signed by the sheriff or collector by the provisions of KRS 133.220 shall be prima facie evidence of the delivery of same.

(3) Any county clerk who, without reasonable excuse, fails to return to the Department of Revenue copies of any

books, papers or records required by it in the manner and at the time prescribed by law, shall, upon conviction, be fined not less than $10.00 nor more than $100.00 for each offense.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

W. G. Biggers
Isaac Blevins
Chas. W. Burnley
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
H. Clay Kauffman
M. Kavanaugh
J. T. Linton
Homer E. Losey
Harry L. Moore
Herbert V. Moore
W. B. Moser
C. Sid Nabb
Jno. C. Newcomb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
James E. Quill
C. R. Reeves
L. Allen Rhoads
Carl Scheben
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
Arthur Stallard
Geo. W. Steinford
Thos. M. Swope
Egbert V. Taylor

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Those who voted in the negative were—

F. H. Bassett, Jr.	Coy C. Nevitt	Roy L. Taylor
J. C. Bradley	H. C. Patterson	H. Thieman, Jr.
C. D. Call	H. G. Royalty	E. B. Thompson
A. Roy Copeland	F. W. Schuhmann	Harry F. Walters
Pearl McKinney	Robt. J. Spaulding	R. E. West
C. C. May	Joe Stewart	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House, entitled:

H. Res. 85. Resolution providing for supplemental Legislative Digest to be printed after all bills have been approved or disapproved.

And that they had passed bills and resolutions which originated in this House, entitled:

H. Res. 4. Resolution authorizing the payment of claims against the Commonwealth.

H. Res. 61. Resolution authorizing suits against the Commonwealth.

H. Res. 67. Resolution authorizing the payment of costs in the Contests of Spillman vs. Phillips and Hamilton vs. Thieman.

H. B. 218. An Act relating to child labor.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

And that they had passed a bill which originated in this House, entitled:

H. B. 147. An Act making provisions for State Tuberculosis Sanatoria.

With Senate amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 10).

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

Amendment No. 1. Amend printed copy of House Bill No. 147, in the Senate, on page 2, section 3, by striking all of section 3, and inserting in lieu thereof the following:

Section 3. There is created a commission to be known as the Tuberculosis Sanatoria Commission of Kentucky. The commission shall consist of twelve members who shall be appointed by the Governor. The members of the first commission shall be so appointed that four members shall serve for a term of two years, four members for a term of three years, and three members for a term of four years, the latter three being the members appointed from the State Medical Association. Thereafter members shall be appointed for terms of four years and until their successors are appointed and have qualified. Three members of the commission shall be appointed from the membership of the Kentucky State Medical Association and the other eight members shall be selected from persons engaged in different trades, occupations and professions, in different parts of the state, as to give a fair representation to all classes of citizens in this state. The members of the commission shall

receive no compensation for their services but shall be reimbursed for their necessary expenses, including traveling expenses, but the total expenses of the commission shall not exceed the sum of three thousand dollars, annually.

The Commissioner of Health shall, by virtue of his office, be a member of the commission, and said commission shall elect from its membership a chairman.

Amendment No. 2. Amend printed copy of House Bill No. 147, in the Senate, on page 3, section 5, line 1, by striking the words "shall complete its labors and" and inserting in lieu thereof the words "first appointed under this Act shall"

Amendment No. 3. Amend printed copy of House Bill No. 147, in the Senate, on page 4, section 6, line 7, by inserting, after the word "years", the following:

"Two members of the board shall be physicians who are members in good standing of the Kentucky State Medical Association, and the other members shall be representatives of different trades, occupations and professions."

Amendment No. 4. Amend printed copy of House Bill No. 147, in the Senate, on page 4, section 8, line 1, by inserting, preceding the word "the" in line 1, the following:

"The board of commissioners of each sanatorium shall employ a medical director for the sanatorium. No person may be employed as medical director unless his employment is approved by the Tuberculosis Sanatoria Commission of Kentucky, nor unless he is a member in good standing of the Kentucky State Medical Association, or the National Tuberculosis Society, and has had at least five years clinical experience in the field of tuberculosis.

Amendment No. 5. Amend House Bill 147 in the Senate by striking from said bill on Page 3, line 6 the following words:

"not less than sixty acres for each senatorium"

Amendment No. 6. Amend House Bill 147 on Page 2, Section 3, lines 10 to 12 after the word "services" in line 10 by striking therefrom the following:

> but shall be reimbursed for their necessary expenses, including traveling expenses, but the total expenses of the commission shall not exceed the sum of three thousand dollars.

Amend No. 7. Amend House Bill 147 on Page 3, Section 4, lines 14 to 18 by striking therefrom the following:

> The commission shall have authority to expand not more than thirty thousand dollars, out of the sums appropriated by this Act, for the acquisition of sites, except that the Governor, in his discretion, may supplement such amount out of any emergency fund at his disposal.

Amendment No. 8. Amend House Bill 147 on Page 6, by striking therefrom Section 11 as follows:

For the purpose of carrying out the provisions of this Act there is appropriated out of the General Fund in the State Treasury for the fiscal year beginning July 1, 1944, to the Tuberculosis Sanatoria Commission of Kentucky and to the Governor, the sum of one million, five hundred thousand dollars. In the event any portion of such appropriation is not expended during the fiscal year beginning July 1, 1944, the unexpended balance shall not revert to the General Fund but shall be carried over to the next fiscal year.

Said amendments were then each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jerry F. Howell	Kleber F. Price
Henry Arrowood	J. J. Huff	Edw. P. Prichard
F. H. Bassett, Jr.	W. N. Hughes	James E. Quill
W. G. Biggers	W. H. Hunt	C. R. Reeves
Douglas T. Bolling	Lee Johnson	L. Allen Rhoads
J. C. Bradley	Paul S. Jonas	Wade H. Riley
Chas. W. Burnley	H. Clay Kauffman	H. G. Royalty
C. D. Call	M. Kavanaugh	Amos Runyon
Fred Carpenter	G. M. Knuckles	Carl Scheben
Jno. H. Clarke, Jr.	J. T. Linton	F. W. Schuhmann
A. Roy Copeland	Homer E. Losey	Leon J. Shaikun
Marvin Cornett	A. L. Love	Jno. W. Simmons
John P. Craig	Pearl McKinney	Faust Y. Simpson
Thos. S. Dawson	C. C. May	Robt. J. Spaulding
Adron Doran	Johnston Miller	E. A. Spencer
J. R. Dorman	Harry L. Moore	Arthur Stallard
T. H. Dyer	Herbert V. Moore	Geo. W. Steinford
Bernie S. Edlin	L. D. Moore	Joe Stewart
Harry W. Ennis	W. B. Moser	Thos. M. Swope
Dr. J. C. Gabbard	C. Sid Nabb	C. W. Taylor
Chas. B. Gentry	Coy C. Nevitt	Egbert V. Taylor
Franklin Goins	Jno. C. Newcomb	H. Thieman, Jr.
Jas. P. Hallahan	Joe E. Nunn	Otis C. Thomas
Claude Hammons	Albert W. Pfeiffer	E. B. Thompson
B. C. Holbrook	Sylvester Phillips	Harry F. Walters
Clyde S. Howard	L. W. Preston	R. E. West

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Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And that they had passed a bill which originated in this House, entitled:

H. B. 28. An Act relating to the organization and functions of the Department of Agriculture.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 11).

Said amendments as proposed and adopted by the Senate are as follows, viz.:

Amend H. B. 28 in the Senate by striking the word "Shall" from the end of line 3, inserting the word "shall" before the word "have" in line 4 and inserting the word "may" before the word "hold" in line 7.

Amend H. B. 28 in Senate by inserting after the word "place" in line 7, the words "within a county containing a city of the first class" and by inserting before the word "and" in line 10, the words: "except that if during the National Emergency the State Fair Board is unable to find a suitable location within a county containing a city of the first class, the Fair during such National Emergency may be held at any other place selected by the State Fair Board."

Amend the title to H. B. 28 in Senate by striking the title and inserting in lieu thereof the following:

"An Act relating to the State Fair."

Said amendments were each and severally concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	C. R. Reeves
F. H. Bassett, Jr.	J. J. Huff	Wade H. Riley
W. G. Biggers	W. N. Hughes	H. G. Royalty
Isaac Blevins	W. H. Hunt	Carl Scheben
Douglas T. Bolling	Lee Johnson	F. W. Schuhmann
J. C. Bradley	Paul S. Jonas	Vernon Seaton
Chas. W. Burnley	H. Clay Kauffman	Leon J. Shaikun
C. D. Call	M. Kavanaugh	Jno. W. Simmons
Willis Champion	G. M. Knuckles	Faust Y. Simpson
Jno. H. Clarke, Jr.	J. T. Linton	Robt. J. Spaulding
A. Roy Copeland	A. L. Love	E. A. Spencer
Marvin Cornett	Johnston Miller	Arthur Stallard
John Henry Cox	Harry L. Moore	Geo. W. Steinford
John P. Craig	Herbert V. Moore	Joe Stewart
Fred Creasey	C. Sid Nabb	Thos. M. Swope
Thos. S. Dawson	Coy C. Nevitt	C. W. Taylor
J. R. Dorman	Jno. C. Newcomb	Egbert V. Taylor
T. H. Dyer	Joe E. Nunn	Roy L. Taylor
Dr. J. C. Gabbard	H. C. Patterson	H. Thieman, Jr.
Chas. B. Gentry	Chester Peterson	E. B. Thompson
Franklin Goins	Albert W. Pfeiffer	Harry F. Walters
Jas. P. Hallahan	J. Gip Prather	R. E. West
Claude Hammons	L. W. Preston	Taylor Witt
B. C. Holbrook	Kleber F. Price	
Benton Howard	James E. Quill	—73

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

And that they had passed a bill which originated in this House, entitled:

H. B. 284. An Act to provide for the supervision, regulation and control of the intrastate transportation of persons and property by aircraft for hire.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of March 8).

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

Amendment No. 1. Amend House Bill No. 284 on Page 1 by adding before Section 1 the following enacting clause:

"Be it enacted by the General Assembly of the Commonwealth of Kentucky:"

Amendment No. 2. Amend House Bill 284 on page No. 2, subsection (d) of section 1, line 14, by striking therefrom after the word "the" the words "Public Service" and inserting in lieu thereof the words "Kentucky Aeronautics"

Amendment No. 3. Amend House Bill 284 on Page 2, Section 3, at the end of Line 9, by adding the following:

"Any such certificate so issued shall be null and void unless the person to whom said certificate is granted shall, in good faith, begin and continue to operate aircrafts under the right granted by same."

Amendment No. 4. Amend House Bill No. 284 by adding the following on page 3, Section 4, at the end of Line 7:

"The Commission is empowered to make enough charges annually for the use of air routes in the State of Kentucky to pay the expenses of said Commission for services rendered under this Act, not to exceed, however, 2% of the gross receipts

from intra-state business of any common carrier operating hereunder, and all of such charges in any one year under this Act shall not exceed $25,000.00."

Amendment No. 5. Amend House Bill No. 284 on Page 3, Line 7, Section 5, by striking therefrom after the word "than" the following "ten (10)", and inserting in lieu thereof "thirty (30)".

Further amend said bill on page 3, Section 5, Line 11, by changing the "period" at the end of said line to a "comma" and adding the following:
"and said notice shall likewise be given to the Mayors of all Cities on said route."

Amendment No. 6. Amend House Bill No. 284 on Page 3, Section 6, Line 7, after the word "service", by changing the "period" to a "comma" and adding the following:
"no such hearings shall be had until thirty (30) days after rules and regulations made and promulgated have been published and filed with the Secretary of State of Kentucky."

Amendment No. 7. Amend House Bill No. 284 on Page 4, Section 6, Line 21, by striking after the word "facility" the balance of said line, and all of lines 22 and 23. Further amend said line by changing the comma to period after the word "facility".

Amendment No. 8. Amend House Bill No. 284 on Page 5, Section 8, Paragraph (a) at the end of Line 8, by adding the following: "All rules and regulations made by said Commission under this Act shall be filed with the Secretary of State of Kentucky."

Amendment No. 9. Amend House Bill No. 284 on Page 6, Section 8, by adding a paragraph after line No. 24, to be known as "(d)" "The Commission shall, beginning in 1946, publish

from year to year maps showing the air routes and areas of all airlines and air areas in use at said time in Kentucky, and for which applications are pending for airlines in Kentucky, and such other data as it may see fit pertaining to such industry."

Amendment No. 10. Amend House Bill 284 on Page 6, Section 9, by striking the period after word "pilot" in Line 7, and inserting a "comma" in lieu thereof, and adding the following:

"or any person who has been a pilot of Air or Glider Planes in the Army Air Force of World War Numbers 1 or 2, and over twenty-one (21) years of age."

Amendment No. 11. Amend House Bill No. 284 on Page 6, Section 10, Line 3, by striking therefrom the word "ten" and inserting in lieu thereof the word "thirty".

Further amend said bill on Page 6, Section 10, Line 5, by striking all of said line after the word "all", and all of lines 6, 7, 8, 9, 10, 11, 12, 13, and all of line 14 up to and including the word "certificate", and inserting after the word "all" on Page 6 of Section 10, in Line 5 the following: "certificates of convenience and necessity to operate an aircraft when such person to whom any such certificate has been issued fails for thirty (30) days to comply with the terms and provisions of such certificate."

Amendment No. 12. Amend House Bill No. 284, Section 8, lines 13 and 14 by striking therefrom the words "and accepted by"

Amendment No. 13. Amend House Bill No. 284, at the end of Line 9 of Section 3, by adding the following:

"If it appears from the application that the applicant is engaged as a common carrier by air for the transportation of persons, property or mail pursuant to a certificate or certifi-

cates of public convenience and necessity issued by the Civil Aeronoutics Authority, the Civil Aeronautics Board, or any other Federal Agency authorized to issue such certificates and said certificate was issued before the effective date of this Act, and that the applicant at said time is operating between two or more points in the State of Kentucky pursuant to the provisions of its said certificate or certificates of public convenience and necessity, the commission shall forthwith issue to applicant an intra-state certificate of public convenience and necessity authorizing the applicant to engage in transportation by air of persons or property or both, in intra-state commerce between all of the points in the State of Kentucky between which the applicant is authorized to operate under its said certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Authority, the Civil Aeronautics Board, or any other such Federal Agency, before the effective date of this act.

Amendment No. 14. Amend House Bill No. 284 by adding the following words at the end of Section 3, line 9, page 2 of the printed bill: "Provided, however, if it appears from the application that the applicant is engaged as a common carrier, as defined in this Act, in the transportation of persons, property or mail, and is operating on regular schedules over the route or routes served at the time of the effective date of this Act, the Commission shall forthwith issue to said applicant a certificate of public convenience and necessity authorizing said applicant to engage in transportation by air of persons or property or both, in intra-state commerce between all of the points in the state of Kentucky from which the applicant is operating at the time of the effective date of this Act. In the event there are more than one common carrier operating over the same route or routes at the time of the effective date of this Act, the certificate of public convenience and necessity shall be granted by the Commission to the first common carrier which operated regular schedules over the route or routes in question and

which continues to operate regular schedules until the date this Act becomes effective."

Amendment No. 15. Amend House Bill No. 284 by striking Section 15, page 9, in its entirety.

Amendment No. 16. Amend House Bill No. 284 by striking Section 11, page 7, in its entirety.

And an amendment to the Title of said bill as proposed and adopted by the Senate, viz.:

Amend House Bill 284, page 1, line 6 of the Title, by striking the words "Public Service" and inserting in lieu thereof "Kentucky Aeronautics"

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	W. H. Hunt
F. H. Bassett, Jr.	J. R. Dorman	Lee Johnson
W. G. Biggers	Dr. J. C. Gabbard	Paul S. Jonas
Isaac Blevins	Chas. B. Gentry	Wm. E. Justice
J. C. Bradley	Franklin Goins	H. Clay Kauffman
Chas. W. Burnley	J. D. Gross	M. Kavanaugh
C. D. Call	Jas. P. Hallahan	G. M. Knuckles
Fred Carpenter	Claude Hammons	A. L. Love
John H. Clarke, Jr.	B. C. Holbrook	Harry L. Moore
A. Roy Copeland	Benton Howard	Herbert V. Moore
Marvin Cornett	Clyde S. Howard	L. D. Moore
John Henry Cox	J. J. Huff	C. Sid Nabb

Coy C. Nevitt	Carl Scheben	C. W. Taylor
Joe E. Nunn	F. W. Schuhmann	Egbert V. Taylor
Chester Peterson	Vernon Seaton	Roy L. Taylor
Albert W. Pfeiffer	Leon J. Shaikun	H. Thieman, Jr.
Sylvester Phillips	Jno. W. Simmons	E. B. Thompson
J. Gip Prather	Faust Y. Simpson	Harry F. Walters
Kleber F. Price	Robt. J. Spaulding	R. E. West
James E. Quill	E. A. Spencer	Taylor Witt
C. R. Reeves	Geo. W. Steinford	
Wade H. Riley	Joe Stewart	
H. G. Royalty	Thos. M. Swope	—65

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 19. AN ACT relating to the registration and purgation of voters. This Act shall be known as the Trivette-Waggoner Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The County Court Clerk of each county other than those counties having a city of the first class shall procure a sufficient number of rubber stamps to supply one to each precinct, such rubber stamps to bear the words "PURGATION

RECOMMENDED" in letters one inch high with two blank lines below for the signatures of the judges of election. At the time the election supplies are delivered to the election officers by the county clerk preceding each primary election, the County Court Clerk shall cause to be delivered to the election officers of each precinct the stamp and a sufficient quantity of registration supplies and forms to enable registration of a number of voters equal to at least five percent of the voters then on the registration lists for such precinct.

2. Notwithstanding the provisions of KRS 117.050, the judges of election in each precinct shall register each qualified voter who makes application to them for registration and who satisfactorily establishes his right to be registered. The manner of registering shall conform to that provided by law for registration by the county clerk. No person registered on the day of a primary election shall be permitted to vote in such election or at any election thereafter until the following regular election in November. The judges of election shall deliver the new registrations to the county clerk immediately following the primary election, and he shall enter them in the regular registration books.

3. It shall be the duty of the judges of election at each primary election to recommend purgation of the registration lists by stamping with the rubber stamp provided in Section 1 of this Act the registration cards of persons who have since the date of this registration, died, moved from the precinct, or otherwise become disqualified to vote, upon reasonable proof of such disqualification of any voter. The judges of election shall stamp the registration record of such voter with the stamp provided for in Section 1 of this Act, and shall each sign their names on the blank lines below the words "PURGATION RECOMMENDED."

4. The judges of election may appoint other persons to assist them in performing their duties under this Act, but the persons so appointed shall serve without compensation.

5. Within ten days after the primary election day, the County Board of Election Commissioners shall meet at the county court clerks' office for the purpose of passing upon the purgation recommendations made by the precinct judges. The county court clerk shall meet with the board and act as its secretary for the purpose. During the time the board is so in session the members of the board shall receive a reasonable per diem, to be fixed and paid by the fiscal court, not exceeding the per diem allowed for the services of the board in canvassing votes. The board shall examine purgation recommendations, and determine which of the persons whose purgation was recommended are not legally entitled to be registered. The county court shall forthwith mail a notice to each such voter at his address as shown on the registration records, notifying him that his registration will be cancelled unless he appears before the board within five days and shows cause why his name should not be stricken. If the voter appears and desires to be heard, the board shall hear him and determine whether or not his name should be purged. If the board determines that the name should be purged, it shall enter the word "Purged", and the date, upon the registration record of such person, and the Chairman and one other member of the board shall sign their names immediately below the word "Purged". The county court clerk shall thereupon remove the registration records of such persons from the registration books, and place them in the "Canceled Registration File." If the board determines that any name recommended for purgation by the precinct judges should not be purged, it shall enter the words "Purgation Refused", and the date, upon the registration record of such persons, and the chairman and one other member of the board shall sign their names immediately below the words "Purgation Refused." If any voter to whom notice is mailed as provided in this section fails to appear within five days, the board may thereupon purge his name without further notice or hearing.

6. Any voter whose name has been purged under the provisions of this Act may apply to the county court or to the judge or the circuit court of the county, for a review of the action of the board of registration commissioners, at any time up to one hour before the time fixed by law for the closing of the polls at the following general election. The application shall consist of a written statement setting forth the act of the board complained of, and the grounds of complaint. Before such application is made, written notice shall have been given to the board of election commissioners, setting forth the name of the judge or court before whom, and the time and place at which, the application will be made and the grounds therefor, so as to give the board of election commissioners a reasonable opportunity to be present and to be heard. The judge or court to whom such application is made shall, at the time fixed in the notice, summarily decide the question presented and endorse on the statement of complaint an order disposing of the same. The action of the judge or court shall be final, and upon return of the statement of complaint with the order of the judge or court disposing of same endorsed thereon, to the county clerk, the clerk shall correct his records in accordance with such order. If the order of such judge or court is received after the registration records have been sent to the precinct of the voters' residence for use in the general election to be, or then being, held, the county clerk, in the event the voters' application for reinstatement has been granted, shall issue a certification to the election officers of the precinct of the voters' residence, setting forth the order of the judge or court.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. J. Huff	Edw. P. Prichard
F. H. Bassett, Jr.	W. H. Hunt	C. R. Reeves
W. G. Biggers	Lee Johnson	Wade H. Riley
J. C. Bradley	Paul S. Jonas	Carl Scheben
Chas. W. Burnley	Wm. E. Justice	Vernon Seaton
C. D. Call	M. Kavanaugh	Leon J. Shaikun
Willis Champion	G. M. Knuckles	Jno. W. Simmons
Jno. H. Clarke, Jr.	J. T. Linton	Faust Y. Simpson
A. Roy Copeland	A. L. Love	Robt. J. Spaulding
John Henry Cox	Johnston Miller	E. A. Spencer
John P. Craig	Harry L. Moore	Arthur Stallard
J. R. Dorman	Herbert V. Moore	Geo. W. Steinford
T. H. Dyer	L. D. Moore	Joe Stewart
Dr. J. C. Gabbard	C. Sid Nabb	Thos. M. Swope
Chas. B. Gentry	Jno. C. Newcomb	C. W. Taylor
Franklin Goins	Joe E. Nunn	Egbert V. Taylor
Claude Hammons	Chester Peterson	Roy L. Taylor
B. C. Holbrook	J. Gip Prather	Harry F. Walters
Benton Howard	L. W. Preston	R. E. West
Clyde S. Howard	Kleber F. Price	Taylor Witt

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Those who voted in the negative were—

H. Clay Kauffman F. W. Schuhmann —2

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had refused to recede from an amendment heretofore adopted by that body to a bill which originated in this House, entitled:

H. B. 305. An Act relating to alcoholic beverages.

And has appointed a Committee on Conference on the part of the Senate composed of Senators W. C. Farmer, Ray B. Moss and T. C. Carroll and respectfully request that the House appoint a like Committee to meet with the Committee on the part of the Senate and settle the differences between the two Houses.

Thereupon the Speaker appointed Messrs. Hammons, Prichard and Shaikun as members of said Conference Committee.

Ordered that said bill with amendments thereto be delivered to the Committee on Conference.

After a time a message was received from the Senate announcing that they had now adopted an amendment as proposed by the Committee on Conference in lieu of Amendment No. 1 heretofore adopted by the Senate, in which the House refused to concur and from which the Senate refused to recede, and has passed said bill as amended by the Committee on Conference.

(For bill with amendments thereto see House Journal of today ante).

The report of the Committee on Conference is as follows, viz.:

We, the Committee of Conferees, appointed by the House and Senate which was referred House Bill 305 in which there was a disagreement, recommend to the House and Senate the following accompanying amendment to H. B. 305, which is in place of amendment No. 1 which was voted down by the House. Amendment No. 1 in the Senate struck from the bill all of paragraph 13. The House refused to concur in the Senate amend-

ment. The Committee on Conferees recommends to both houses adoption of the accompanying amendment which is unanimously agreed to.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. B. 305 on page 4 by striking all of paragraph 13 and inserting in lieu thereof the following:

"Subsection (3) of Section 243.220 of the Kentucky Revised Statutes is amended to read as follows:

(3) No license for the sale of alcoholic beverages at retail shall be issued for any premises that are located on the same street as, and within two hundred feet of, a building occupied exclusively as a school, hospital or place of worship without the written permission of the governing authority of the school, hospital or place of worship, except that a hotel, drug store, private club or other retail licensee which has been bona fide in business as a licensee at that location for not less than one year preceding the passage of the Act of 1938, c.2, or the establishment of the school, hospital or place of worship may be issued a license by the state administrator, in the exercise of his sound discretion, even though the premises are within less than two hundred feet of a building occupied exclusively as a school, hospital or place of worship. The measurement shall be taken on the street on which the licensed premises are located, in a straight line from the nearest property line of the real estate on which is located the building used for the school, hospital or place of worship, to the nearest property line of the real estate on which is located the building for which a license is sought."

Mr. Quill moved that the report of the Committee on Conference be accepted and approved.

Said motion was agreed to.

Thereupon the amendment proposed by the Committee on conference in lieu of Amendment No. 1 as proposed by the Senate, was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Thos. S. Dawson
J. R. Dorman
T. H. Dyer
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
A. L. Love
Johnston Miller
Harry L. Moore
Herbert V. Moore
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
Robt. J. Spaulding
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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There voted in the negative—

L. D. Moore —1

Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 30. AN ACT to provide for payment of death, inheritance and other taxes levied or assessed by the United States Revenue Acts and by the laws of Kentucky against the estates of deceased persons: Providing how, and by whom, said taxes shall be paid, the amount determined, the manner of collection and payment, and how said taxes shall be distributed and prorated among the devisees, legatees, distributees, giftees and transferees; and providing the courts in which said taxes shall be determined.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever it appears in any appropriate action or proceeding that an executor, administrator, trustee or other person acting in a fiduciary capacity, has paid a death tax levied or assessed under the provisions of the United States Revenue Act of nineteen hundred twenty-six, as amended by the United States Revenue Act of nineteen hundred twenty-eight, or any other Amendment thereto, or under any death

tax law of the United States hereafter enacted, or any inheritance or other tax to take effect upon the death of any person pursuant to any law of this State, or any law that may hereafter be enacted, upon or with respect to any property required to be included in the gross estate of a decedent under the provisions of any such law or laws, the amount of the tax so paid, except in a case where a testator otherwise directs in his will, shall be equitably prorated among the persons interested in the estate to whom such property may be or has been transferred, or to whom any benefit accrues. Such proration shall be made by the County Court or other Court in which an action may be pending to settle said estate in the proportion, as near as may be, that the value of the property, interest or benefit of each person bears to the total value of the property, interests and benefits received by all such persons interested in the estate, except that in making such proration allowances shall be made for any exceptions granted by the act imposing the tax and for any deductions allowed by such act for the purpose of arriving at the value of the net estate; and except that in cases where a trust is created, or other provision made whereby any person is given an interest in income, or an estate for years, or for life, or other temporary interest in any property or fund, the tax on both such temporary interest and on the remainder thereafter shall be charged against and be paid out of the corpus of such property or fund without apportionment between remainders and temporary estates.

Section 2. So far as is practicable and unless otherwise directed by the will of the decendent the tax shall be paid by the executor as such out of the estate before its distribution. In all cases in which any propery required to be included in the gross estate does not come into the possession of the executor as such, he shall be entitled, and it shall be his duty, to recover from whomever is in possession, or from the persons interested in the estate, the proportionate amount of such tax payable by the persons interested in the estate with which such persons interested in the estate are chargeable under the pro-

visions of this Act, and the Court may by order direct the payment of such amount of tax by such persons to the executor.

No executor, administrator or other person acting in a fiduciary capacity shall be required to transfer, pay over or distribute any fund or property with respect to which a federal or state estate tax is imposed until the amount of such tax or taxes due from the devisee, legatee, distributee, giftee, or other person to whom such property is, or has been, transferred or is paid, or, if the apportionment of tax has not been determined, adequate security is furnished by the transferee for such payment.

Section 3. The Court upon making a determination as provided in this Act shall make a decree or order directing the executor or other fiduciary to charge the prorated amounts against the persons against whom the tax has been so prorated in so far as he is in possession of property or interests of such persons against whom such charge may be made and summarily directing all other persons against whom the tax has been so prorated or who are in possession of property or interests of such persons to make payment of such prorated amounts to such executor or other fiduciary.

Any judgment of a County Court under and pursuant to this Act may be appealed by any interested party to the Circuit Court of the County in which said judgment is rendered within thirty (30) days from rendition thereof by any interested party, and any judgment of the Circuit Court may be appealed to the Court of Appeals of Kentucky within sixty (60) days from rendition thereof. Both the Circuit Court and Court of Appeals shall advance said case for trial when proper showing is made.

All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	J. J. Huff	J. Gip Prather
W. G. Biggers	W. N. Hughes	L. W. Preston
Chas. W. Burnley	W. H. Hunt	James E. Quill
C. D. Call	Lee Johnson	C. R. Reeves
Fred Carpenter	Paul S. Jonas	Wade H. Riley
Jno. H. Clarke, Jr.	Wm. E. Justice	H. G. Royalty
A. Roy Copeland	M. Kavanaugh	Carl Scheben
John Henry Cox	J. T. Linton	F. W. Schuhmann
John P. Craig	A. L. Love	Robt. J. Spaulding
Thos. S. Dawson	Johnston Miller	Arthur Stallard
J. R. Dorman	Harry L. Moore	Geo. W. Steinford
Dr. J. C. Gabbard	Herbert V. Moore	Joe Stewart
Chas. B. Gentry	L. D. Moore	Thos. M. Swope
Jas. P. Hallahan	C. Sid Nabb	Egbert V. Taylor
Claude Hammons	Joe E. Nunn	H. Thieman, Jr.
B. C. Holbrook	Chester Peterson	Harry F. Walters
Benton Howard	Albert W. Pfeiffer	R. E. West
Clyde S. Howard	Sylvester Phillips	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. No. 97. AN ACT amending Section 422.090, Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Section 422.090, Kentucky Revised Statutes, be amended by repealing said Section and re-enacting it so that as re-enacted, it shall read as follows, to-wit:

(1) All discharge papers, given, executed or delivered to any person in the military or naval service of the United States, which evidence his discharge from the service of the United States and show the unit or part of the department to which he was attached and from which he was discharged may be recorded in the office of the county clerk of the county in which the person discharged is a resident. Upon the presentation of such discharge papers the county clerk shall record them, without charge therefor, in a suitable book which he shall provide for that purpose.

(2) A certified or attested copy of such recorded discharge is admissible evidence in all proceedings in which such discharge may come in question or in which it might be used as legal evidence of any fact.

(3) It shall be the duty of each county court clerk to index alphabetically the name of each person whose discharge papers are recorded as provided in this Act and to keep such index as a permanent record in such office. The index may be bound with the book in which the discharge papers are recorded, or may be a separate bound index, to be kept with the book in which the discharge papers are recorded.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Burnley	Wm. E. Justice	L. Allen Rhoads
Jno. H. Clarke, Jr.	J. T. Linton	Wade H. Riley
John Henry Cox	A. L. Love	H. G. Royalty
John P. Craig	Johnston Miller	Carl Scheben
J. R. Dorman	Harry L. Moore	Leon J. Shaikun
Harry W. Ennis	L. D. Moore	Jno. W. Simmons
Dr. J. C. Gabbard	C. Sid Nabb	Faust Y. Simpson
Chas. B. Gentry	Joe E. Nunn	George T. Smith
Franklin Goins	Chester Peterson	E. A. Spencer
J. D. Gross	Sylvester Phillips	Arthur Stallard
Claude Hammons	L. W. Preston	Geo. W. Steinford
Jerry F. Howell	Kleber F. Price	Joe Stewart
J. J. Huff	Edw. P. Prichard	Thos. M. Swope
Lee Johnson	James E. Quill	C. W. Taylor
Paul S. Jonas	C. R. Reeves	Harry F. Walters

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Those who voted in the negative were—

F. H. Bassett, Jr.	Jas. P. Hallahan	F. W. Schuhmann
C. D. Call	W. N. Hughes	Robt. J. Spaulding
A. Roy Copeland	Herbert V. Moore	R. E. West

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 77. An Act relating to juries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 29.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be exempt from service on any jury:

(a) County road overseers.

(b) Dentists.

(c) Members of the Board of Commissioners of the Kentucky School for the Deaf.

(d) Members of boards of education.

(e) Members of the board of aldermen of cities of the first class.

(f) Members of the general council of cities of the second class.

(g) Members of the police force of cities of the first class.

(h) Members and employes of the fire department of cities of the first class.

(i) Officers and servants of the state charitable and correctional institutions.

(j) Officers and enlisted men of the National Guard.

(k) Registered pharmacists while engaged in any store for retailing drugs, medicines or poisons.

(l) Superintendents, principals, teachers and other employes of boards of education, during the term of their contract with the board of education.

(m) Women.

(2) The following persons shall be exempt from service on a petit jury:

(a) Cashiers and tellers of banks, or those supplying their places for the time.

(b) Civil officers, except notaries public.

(c) Depot agents of railroads.

(d) Embalmers and funeral directors.

(e) Ministers of religious societies.

(f) Persons more than seventy years of age.

(g) Physicians and surgeons.

(h) Practicing attorneys.

(i) Retail druggists.

(j) Telegraph operators.

(k) Transient persons.

(3) Volunteer members of fire companies in cities of the fourth class shall be exempt from service on juries in the police court.

§ 2. Section 29.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 29.090, the circuit judge of each county shall, at the first regular term of circuit court each year, or, in the case of courts of continuous session, at some time during the month of January each year, appoint, as jury commissioners for one year, three intelligent and discreet housekeepers of the county over twenty-one years of age, resident in different portions of the county, having no action in court requiring the intervention of a jury, and who have not served as jury commissioners in the past year. They shall be sworn in open court to faithfully discharge their duty. If any commissioner cannot serve or cannot complete his service, the judge may appoint another person of like qualifications in his place.

(2) The commissioners shall meet at such time, promptly after their appointment, as will enable them to complete their duties not less than five days before the date specified by KRS 29.130 for drawing jury lists for the next term of court, or, in the case of courts of continuous session, not less than five days before the first Monday of the month following the month in which they are appointed. The commissioners shall remain in session not longer than five days, except that in counties having a population of more than fifty thousand they may remain in session ten days. They shall hold their meetings in a room designated by the judge. While engaged in making lists of juries, selecting the names and writing, depositing or drawing them from the drum, no person shall be permitted in the room with them except that the jury commissioners of courts of continuous session may select a typist to aid them in the performance of their duty, who shall be sworn in open court to faithfully discharge his duties and who shall be in attendance on the commissioners in session. Such typist shall be compensated at the same rate as the commissioners, and his compensation shall be allowed and paid by the fiscal court.

§ 3. Section 29.070 is amended to read as follows:

(1) The jury commissioners shall take the last returned tax commissioner's book for the county and from it shall carefully select from the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county, over twenty-one years of age, the following number of names of such persons:

(a) In counties having a population of ten thousand or less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a

revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

§ 4. Section 29.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the commissioners have completed the filling of the drum, they shall lock the drum and deliver it and the key, and all slip cases not used, to the judge of the circuit court for which the drum has been filled, who shall deliver the drum and the slip cases to the circuit clerk in open court and at the time administer to him and his deputies the following oath: "You do solemnly swear that you will not open this drum except in open court under the direction of the judge of this court, and that you will not open the sealed envelopes containing the lists of petit (or grand and petit jurors, as the case may be), for the session of this court to be held in the month of in the year of , until the time fixed by law; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit for trial in this court, at its next term, unless by leave of court." If the clerk subsequently, in vacation, appoints a deputy he shall administer to him a like oath.

(2) No person, except as authorized by statute, shall open, unlock or break into, or in any way willfully injure the drum or lock, or willfully open or break the seal of an envelope containing jury lists.

§ 5. Section 29.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Circuit courts divided into two divisions shall have four commissioners, two to be appointed by the judge of each division. They shall meet together and shall have only one drum, except as provided in subsection (2) of this section.

(2) In counties having circuit courts of continuous session in which the court is authorized to hold part of its sessions in a city of the second class not the county seat, the court shall have one drum for use at the county seat and another for use at the city of the second class. The commissioners shall meet at the county seat and select not less than 125 nor more than 150 names, and place them in the drum as provided in KRS 29.070, and shall then meet at the city of the second class and select one thousand names, and place them in the drum as provided in KRS 29.070.

(3) Circuit courts divided into more than two divisions shall have one commissioner for each division requiring the services of a jury, the judge of each such division to appoint one commissioner. They shall meet together and shall have a separate drum for each such division.

(4) No grand jury shall be made or grand jurors drawn for any other than the criminal branch of a circuit court having branches.

§ 6. Section 29.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) At each term of circuit court, of circuit courts having terms, the judge shall, in open court, draw from the drum a sufficient number of names to procure the names of twenty-four persons qualified to act as grand jurors, record the names of the twenty-four qualified upon paper, certify and sign it. The judge shall then, after having locked and revolved or shaken the drum, reopen it and draw therefrom the names of not less than thirty nor more than thirty-six persons, in the discretion

of the judge, to act as petit jurors, record their names on paper, certify and sign it. Sessions of a court having continuous session held at the county seat of a county in which there is a city of the second class at which part of its sessions are authorized to be held shall be deemed terms of court within the meaning of this section.

(2) In courts of continuous session, except the courts in counties containing a city of the first class, the judge of the court, or if the court has branches the judge of the criminal branch, shall, in open court, on a day one week next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names to procure twenty-four persons qualified to act as grand jurors, record the names of the twenty-four qualified upon paper, certify and sign it. In such courts the judge of the court, or if the court has branches the judge of each division requiring the services of a petit jury, shall, in open court, every two weeks, on a day one week next before the day upon which they shall be summoned to appear, draw from the drum the names of not less than thirty nor more than thirty-six persons to act as petit jurors, record their names on paper, certify and sign it. In such courts the names of all persons drawn as grand and petit jurors shall be publicly announced when drawn, and entered of record in the order drawn.

(3) In courts of counties containing a city of the first class, the judge of the criminal branch shall, on a day one week next before the day on which they shall be summoned to appear, draw from the drum a sufficient number of names, in the discretion of the judge, to procure a sufficient number of persons qualified to act as grand jurors, and shall make a written record thereof, which he shall certify and sign. In such courts the judge of each division requiring the services of a petit jury shall, every two weeks, on a day one week next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names, not to exceed sixty, in

the discretion of the judge, to procure twenty-four persons qualified to act as petit jurors. The clerk of the court or the official stenographer, as directed by the court, shall prepare a record thereof on paper, which shall be certified and signed by the judge.

(4) In courts of continuous session, if the day on which the drawing is prescribed to be done is a holiday, the judge shall draw the names on the following day.

(5) The judge shall destroy the slips on which are written the names placed on the lists as soon as the names are recorded on the lists. If in drawing the grand jurors the name of a person not having the qualifications of a grand juror is drawn, it shall be forthwith returned to the drum, and if at any drawing the name of a person temporarily disqualified is drawn, it shall be replaced in the drum, but if the name of any person permanently disqualified for any jury service is drawn, the slip on which it is written shall be destroyed.

(6) From the list of names of persons qualified to act as grand jurors, the next grand jury shall be drawn, and from the list of names of persons qualified to act as petit jurors, not less than twenty-four nor more than thirty jurors shall be selected, in the discretion of the judge, to constitute the regular panel of the next petit jury.

§ 7. Section 29.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) In courts having terms, the judge shall place the lists in separate envelopes, of good paper, seal and endorse them so as to show that the envelopes contain jury lists, and the month and the term for which the jurors are selected and the date of selection, and sign his name across the seal of each. Immediately after drawing the names from the drum the judge shall lock the drum. The judge shall deliver the lists and the drum

to the clerk, at the same time administering to the clerk and his deputies the oath prescribed in subsection (1) of KRS 29.080.

(2) In courts of continuous session the procedure shall be the same as prescribed in subsection (1) of this section for courts having terms, except as follows:

(a) In counties other than those containing a city of the first class the judge need not place the lists in a sealed envelope, but may deliver the lists openly to the clerk, and omit from the oath administered to the clerk any reference to opening the lists.

(b) In counties containing a city of the first class the judge may, in his discretion, retain possession of the drum, and in lieu of the oath prescribed in subsection (1) of KRS 29.080 shall administer to the clerk and his deputies the following oath: "You solemnly swear that you will not open the envelope containing the list of petit (or grand or petit jurors, as the case may be) jurors, until the time fixed by law; that you will not directly nor indirectly converse with anyone summoned as a grand juror or petit juror concerning any suit for trial in this court at its next term, unless by leave of court, so help you God." In counties containing a city of the first class neither the clerk nor the sheriff shall disclose to any person, other than those prescribed by law, any name or information concerning the name of any person who may be summoned as either a grand juror or a petit juror.

§ 8. Section 29.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The clerk of each circuit court shall make fair copies of the jury lists and deliver them to the sheriff in sufficient time to enable him to summon the jurors by the time hereinafter specified, except that in courts where the jury lists are required

to be delivered to the clerk in sealed envelopes the clerk shall not open the envelope for such purpose more than twenty days before the date on which the grand and petit jurors are required to attend. The sheriff shall, at least three days prior to the date in which they are required to attend, summon the persons to attend, grand jurors on the first and petit jurors on the second day of the term, except that in courts of continuous session the jurors shall be summoned to attend on the first Monday in the month for which they were drawn or on such day as is ordered by the judge. The officer shall summon such persons by giving to each one found personal notice, and to each one not found by leaving a written notice at the juror's place of residence with some member of his family over sixteen years of age. The lists shall be returned by the sheriff on the first day of the term, or in courts of continuous session on the day to which the jurors are summoned, with a certificate thereon of the date and manner in which each juror was summoned. From these lists, respectively, the regular panels of the grand and petit juries shall be selected in the order in which their names appear thereon.

(2) No sheriff or other officer shall, corruptly or through favor or ill will, summon a petit juror with intent that the juror shall find a verdict for or against either party, or summon a grand juror from the like motives, with intent that the grand juror shall or shall not find an indictment against any particular individual.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Lee Johnson	Wade H. Riley
Douglas T. Bolling	Paul S. Jonas	H. G. Royalty
J. C. Bradley	M. Kavanaugh	Carl Scheben
Chas. W. Burnley	J. T. Linton	F. W. Schuhmann
C. D. Call	Pearl McKinney	Leon J. Shaikun
Jno. H. Clarke, Jr.	Johnston Miller	Jno. W. Simmons
A. Roy Copeland	Harry L. Moore	Faust Y. Simpson
John P. Craig	Herbert V. Moore	George T. Smith
Thos. S. Dawson	C. Sid Nabb	Robt. J. Spaulding
J. R. Dorman	Coy C. Nevitt	Arthur Stallard
Chas. B. Gentry	Joe E. Nunn	Geo. W. Steinford
Franklin Goins	Chester Peterson	Joe Stewart
Jas. P. Hallahan	Albert W. Pfeiffer	Thos. M. Swope
Claude Hammons	Sylvester Phillips	C. W. Taylor
B. C. Holbrook	J. Gip Prather	Egbert V. Taylor
Benton Howard	L. W. Preston	H. Thieman, Jr.
Clyde S. Howard	Kleber F. Price	Harry F. Walters
J. J. Huff	James E. Quill	R. E. West
W. N. Hughes	C. R. Reeves	Taylor Witt

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There voted in the negative—

A. L. Love

—1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 98. AN ACT amending and reenacting Section

202.020 of the Kentucky Revised Statutes, relating to lunacy inquests held by county courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.020 of the Kentucky Revised Statutes is amended to read as follows:

The Circuit Courts shall have exclusive jurisdiction of all inquests concerning the condition of the mind or mental faculty of persons, except that when on circuit court is in session in the county, inquests of insane persons may be held by a circut judge or by the county court. But in no case shall an inquest upon an idiot or a person convicted of crime and confined in the penitentiary or reformatory, be held except in circuit court, and if the inquest is upon a convict it shall be held only at a regular term of the circuit court. When the inquest is held by the county court a fee of $3.00 shall be allowed the court for holding said inquest and this fee shall be paid by the county in which the commitment is made, upon a certified copy of an order of allowance made by the court holding the inquest.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Isaac Blevins	J. C. Bradley
W. G. Biggers	Douglas T. Bolling	Jno. W. Burkhart

Chas. W. Burnley	W. N. Hughes	James E. Quill
C. D. Call	Lee Johnson	C. R. Reeves
Fred Carpenter	Paul S. Jonas	L. Allen Rhoads
Willis Champion	Wm. E. Justice	Wade H. Riley
Jno. H. Clarke, Jr.	M. Kavanaugh	H. G. Royalty
A. Roy Copeland	J. T. Linton	Amos Runyon
Marvin Cornett	A. L. Love	Carl Scheben
John Henry Cox	C. C. May	F. W. Schuhmann
John P. Craig	Johnston Miller	Vernon Seaton
Fred Creasey	Harry L. Moore	Leon J. Shaikun
J. R. Dorman	Herbert V. Moore	Jno. W. Simmons
Dr. J. C. Gabbard	L. D. Moore	Faust Y. Simpson
J. D. Gross	W. B. Moser	Robt. J. Spaulding
R. M. Hall	C. Sid Nabb	Arthur Stallard
Claude Hammons	Joe E. Nunn	Geo. W. Steinford
Benton Howard	Chester Peterson	Joe Stewart
Clyde S. Howard	L. W. Preston	Thos. M. Swope
Jerry F. Howell	Kleber F. Price	H. Thieman, Jr.
J. J. Huff	Edw. P. Prichard	Harry F. Walters

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There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 143. AN ACT relating to cooperative marketing associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 272.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation of each association shall state:

(a) The name of the association;

(b) The purpose for which it is formed;

(c) The place where its principal business will be transacted;

(d) The term for which it is to exist, not exceeding fifty years;

(e) The number of directors, their term of office, and the names and addresses of the incorporating directors;

(f) If organized without capital stock, whether the property rights and interest of each member are equal or unequal; and if unequal, the general rules applicable to all members by which the property rights and interests of each member shall be determined; and provision for the admission of new members who may all share in the property of the association with the old members; and

(g) If organized with capital stock, the maximum amount of stock and the number of shares into which it is divided and the par value; and if the stock is divided into preferred and common stock, a statement of the number of shares of stock to which preference is granted and the number to which no

preference is granted and the nature and definite extent of the preference and privileges granted to each. No specific amount of the capital stock authorized shall be required to be subscribed before the corporation shall be permitted to transact business with others than its stockholders; the board of directors of the corporation may determine the amount of capital stock to be issued as the business of the corporation may justify or demand, from time to time, within the amount of the total authorization.

(2) The articles shall be subscribed by the incorporators and acknowledged by one of them before an officer authorized by this state to take acknowledgements of deeds. A certified copy of the articles of incorporation shall, in addition to being filed with the Secretary of State, be filed with the Dean of the College of Agriculture of the University of Kentucky.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Fred Carpenter	Chas. B. Gentry
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Franklin Goins
W. G. Biggers	A. Roy Copeland	J. D. Gross
Isaac Blevins	Marvin Cornett	B. C. Holbrook
Douglas T. Bolling	John Henry Cox	Benton Howard
J. C. Bradley	John P. Craig	Clyde S. Howard
Jno. W. Burkhart	Fred Creasey	Jerry F. Howell
Chas. W. Burnley	J. R. Dorman	J. J. Huff
C. D. Call	Dr. J. C. Gabbard	W. N. Hughes

Lee Johnson	L. D. Moore	F. W. Schuhmann
Paul S. Jonas	W. B. Moser	Jno. W. Simmons
Wm. E. Justice	C. Sid Nabb	Faust Y. Simpson
M. Kavanaugh	Joe E. Nunn	Robt. J. Spaulding
J. T. Linton	Chester Peterson	E. A. Spencer
Homer E. Losey	L. W. Preston	Arthur Stallard
A. L. Love	Kleber F. Price	Geo. W. Steinford
Pearl McKinney	Edw. P. Prichard	Joe Stewart
C. C. May	James E. Quill	Thos. M. Swope
Johnston Miller	C. R. Reeves	H. Thieman, Jr.
Harry L. Moore	Wade H. Riley	
Herbert V. Moore	H. G. Royalty	—61

There voted in the negative—

R. E. West —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate, announcing that they had passed, bills and resolutions which originated in this House, entitled:

H. B. 379. An Act relating to revenue and taxation.

H. B. 292. An Act amending 7.020, 7.030, 7.040 and 7.060 of KRS.

H. B. 410. An Act relating to game and fish.

H. B. 431. An Act relating to unemployment compensation.

H. B. 432. An Act relating to unemployment Compensation.

H. Res. 60. Resolution authorizing the payment of claims against the Commonwealth.

H. B. 334. An Act relating to drainage districts.

H. B. 303. An Act relating to reports on State employees and officers of the General Assembly.

H. B. 372. An Act relating to compensation for city officers of cities of the fifth class.

H. B. 140. An Act relating to application blank for motor vehicle licenses.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

Mr. Quill moved that the House do now recess until 7:00 P. M.

Said motion was agreed to.

And then the House recessed.

The hour of 7:00 P. M. having arrived, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 122. AN ACT relating to drainage districts, amending KRS 267.390.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 267.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in this chapter, all improvements made under this chapter, as well as all public ditches or drains established or constructed under pre-existing laws, shall be under the control and supervision of the board having jurisdiction of the proceedings for the establishment and construction thereof. The board shall keep all such improvements open, free from obstruction and in good repair. For that purpose the board may employ men and teams, and lease, rent, hire or purchase machinery.

(2) For the purpose of providing funds to pay the compensation of the employes of the board, outside of that portion to be paid out of the original assessment on any district, and for the purpose of paying the expense of repairing, keeping open and looking after the various improvements under the charge of the board, the land in each district established under this chapter, as well as the land assessed for each public ditch or system of drainage established under preexisting laws, shall be assessed in proportion to the original assessment made against the land for the original improvement, except that where a district has been established diverting the course of water, the board may, in order to relieve land taxed and from which water has been diverted, use funds of the district in maintaining the original watercourse.

(3) (a) Except as provided in paragraph (b) of this subsection, no assessment in any one year for the purposes prescribed in subsection (2) of this section shall exceed ten percent of the original assessment against the land, and no more than one assessment shall be made in any one year.

(b) In counties having seventy-five or more separate drainage districts, when a petition signed by a majority of the land owners in any drainage district is filed with and approved by the drainage commissioner, the latter may levy a maintenance assessment not exceeding 30% of the original assessment against the land. The number of assessments which may be levied shall be limited as follows: Where the assessment is 10% but not over 15%, no more than one assessment may be levied during any eighteen month period; where the assessment is 16% but not over 20% no more than one assessment may be levied during any two year period; where the assessment is 21% but not over 25% no more than one assessment may be levied during any two and one-half year period; and where the assessment is 30% but not less than 26% no more than one assessment may be levied during any three year period.

(c) No assessment shall be made until the board has prepared an assessment roll, in duplicate, stating the name of the owners of the land to be affected, and the amount proposed to be assessed against each tract of land. Both the assessment roll and the duplicate shall be signed by the president and secretary of the board. The original shall be kept on file in the office of the board and the duplicate shall be filed with the collector of the assessment. These additional assessments shall have the same effect as original assessments and be collected in the same manner. They shall be kept separate and deposited with the treasurer, who shall keep the accounts for each district separate. Each warrant drawn shall specify out of which account it shall be paid.

(4) The board may compromise and settle, upon such terms and conditions as it deems proper, any maintenance assessment made, levied or assessed prior to February 17, 1936, and may do everything necessary to release and discharge any claim, demand or lien upon land established, made or claimed prior to February 17, 1936, under or by reason of any such maintenance assessment.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Franklin Goins	Kleber F. Price
W. G. Biggers	Jas. P. Hallahan	Edw. P. Prichard
Isaac Blevins	Claude Hammons	James E. Quill
J. C. Bradley	B. C. Holbrook	C. R. Reeves
Jno. W. Burkhart	Clyde S. Howard	Wade H. Riley
C. D. Call	Jerry F. Howell	H. G. Royalty
Fred Carpenter	W. N. Hughes	Amos Runyon
Willis Champion	Lee Johnson	F. W. Schuhmann
John H. Clarke, Jr.	Paul S. Jonas	Jno. W. Simmons
A. Roy Copeland	Wm. E. Justice	E. A. Spencer
Marvin Cornett	H. Clay Kauffman	Arthur Stallard
John Henry Cox	M. Kavanaugh	Geo. W. Steinford
John P. Craig	Homer E. Losey	Joe Stewart
Fred Creasey	A. L. Love	Thos. M. Swope
Adron Doran	C. C. May	H. Thieman, Jr.
J. R. Dorman	Harry L. Moore	Otis C. Thomas
Bernie S. Edlin	L. D. Moore	E. B. Thompson
Harry W. Ennis	Jno. C. Newcomb	Harry F. Walters
Dr. J. C. Gabbard	Joe E. Nunn	R. E. West
Chas. B. Gentry	James T. Philpott	—59

There voted in the negative—

Coy C. Nevitt —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, entitled:

S. B. 100. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 6 a. m. and kept open until 5 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

§ 2. Subsection (1) of section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 5 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused," and place them with the stub book and all other utensils or election material, into the linen envelope provided by the county clerk for that purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the

letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

§ 3. Subsection (3) of section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

'(3) The county board of election commissioners shall meet, for the purpose of counting the ballots, issuing certificates and making a report, at 6 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8 a. m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except on Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

§ 4. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 6 a. m. and 5 p. m., at the regular polling places in each election precinct.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected, having failed to receive a Constitutional majority.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	R. M. Hall	L. D. Moore
W. G. Biggers	Clyde S. Howard	C. Sid Nabb
Isaac Blevins	B. C. Holbrook	Joe E. Nunn
J. C. Bradley	Jerry F. Howell	Kleber F. Price
C. D. Call	W. N. Hughes	L. Allen Rhoads
Fred Carpenter	W. H. Hunt	H. G. Royalty
Willis Champion	Lee Johnson	Amos Runyon
Marvin Cornett	Paul S. Jonas	F. W. Schuhmann
John Henry Cox	Wm. E. Justice	Geo. W. Steinford
John P. Craig	M. Kavanaugh	H. Thieman, Jr.
Fred Creasey	Homer E. Losey	E. B. Thompson
Dr. J. C. Gabbard	Harry L. Moore	John L. Trumbo

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Those who voted in the negative were—

Jno. H. Clarke, Jr.	Adron Doran	Franklin Goins
A. Roy Copeland	Chas. B. Gentry	Clyde S. Howard

A. L. Love	J. Gip Prather	Robt. J. Spaulding
Pearl McKinney	Edw. P. Prichard	E. A. Spencer
C. C. May	James E. Quill	Arthur Stallard
W. B. Moser	C. R. Reeves	Thos. M. Swope
Coy C. Nevitt	Wade H. Riley	Otis C. Thomas
Albert W. Pfeiffer	Jno. W. Simmons	Harry F. Walters
Sylvester Phillips	Faust Y. Simpson	R. E. West

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Mr. Quill moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 140. An Act relating to juries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid three dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sets, and who do not claim exemption or ask to be relieved from jury service, shall receive three dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	W. H. Hunt	Edw. P. Prichard
J. C. Bradley	Lee Johnson	James E. Quill
Jno. W. Burkhart	Paul S. Jonas	C. R. Reeves
Fred Carpenter	Wm. E. Justice	L. Allen Rhoads
A. Roy Copeland	M. Kavanaugh	H. G. Royalty
Marvin Cornett	Homer E. Losey	Amos Runyon
John Henry Cox	Pearl McKinney	Carl Scheben
John P. Craig	Harry L. Moore	Fred W. Schuhman
Thos. S. Dawson	Herbert V. Moore	Jno. W. Simmons
Adron Doran	L. D. Moore	Faust Y. Simpson
J. R. Dorman	W. B. Moser	Robt. J. Spaulding
T. H. Dyer	C. Sid Nabb	E. A. Spencer
Dr. J. C. Gabbard	Coy C. Nevitt	Arthur Stallard
J. D. Gross	Joe E. Nunn	Geo. W. Steinford
Claude Hammons	Albert W. Pfeiffer	Thos. M. Swope
B. C. Holbrook	Sylvester Phillips	H. Thieman, Jr.
Clyde S. Howard	James T. Philpott	E. B. Thompson
Jerry F. Howell	J. Gip Prather	S. J. Wagner
J. J. Huff	L. W. Preston	Harry F. Walters
W. N. Hughes	Kleber F. Price	Taylor Witt

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Those who voted in the negative were—

W. G. Biggers	Jno. H. Clarke, Jr.	Chas. B. Gentry
C. D. Call	Fred Creasey	R. M. Hall

H. Clay Kauffman C. C. May R. E. West
A. L. Love Wade H. Riley —11

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 144. An Act to amend section 67.180 of the Kentucky Revised Statutes, relating to the purchase of liability and compensation insurance by counties, by extending its provisions to counties containing cities of the fourth, fifth and sixth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 67.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of each county containing a city of the second, fourth, fifth or sixth class may, in its discretion, for the protection of the public and its employees, appropriate county funds to purchase policies of insurance of all kinds deemed advisable, covering vehicles operated by the county, and compensation insurance covering employees of the county receiving injuries arising out of and in the course of employment.

(2) Suits instituted on such policies may be maintained against the county only for the purpose of obtaining a judgment

which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance policy was issued, but not to be enforced or collectible against the county or fiscal court, or the members thereof.

Sec. 2. Whereas, it is essential that the public and the employees of counties be given immediate protection against injuries arising from the conduct of county affairs, an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Chas. B. Gentry	Pearl McKinney
W. G. Biggers	Franklin Goins	Harry L. Moore
Jno. W. Burkhart	J. D. Gross	Herbert V. Moore
Chas. W. Burnley	Claude Hammons	W. B. Moser
C. D. Call	B. C. Holbrook	C. Sid Nabb
Fred Carpenter	Clyde S. Howard	Coy C. Nevitt
A. Roy Copeland	Jerry F. Howell	Joe E. Nunn
Marvin Cornett	J. J. Huff	Albert W. Pfeiffer
John Henry Cox	W. N. Hughes	Sylvester Phillips
John P. Craig	W. H. Hunt	James T. Philpott
Fred Creasey	Lee Johnson	L. W. Preston
Thos. S. Dawson	Paul S. Jonas	Kleber F. Price
Adron Doran	Wm. E. Justice	Edw. P. Prichard
J. R. Dorman	M. Kavanaugh	James E. Quill
T. H. Dyer	Homer E. Losey	C. R. Reeves
Dr. J. C. Gabbard	A. L. Love	Wade H. Riley

H. G. Royalty	Robt. J. Spaulding	H. Thieman, Jr.
Amos Runyon	E. A. Spencer	E. B. Thompson
Carl Scheben	Arthur Stallard	S. J. Wagner
F. W. Schuhman	Geo. W. Steinford	Harry F. Walters
Jno. W. Simmons	Joe Stewart	R. E. West
Faust Y. Simpson	Thos. M. Swope	—65

Those who voted in the negative were—

Jno. H. Clarke, Jr.	R. M. Hall	L. D. Moore

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House, entitled:

H. B. 181. An Act relating to drainage districts.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 23)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

Amend H. B. 181 on page 1, line 1, by striking out the word "nor" and adding in lieu thereof the word "not"

Amend H. B. 181 on page 2, line 20 by striking therefrom the words "two years" and inserting in lieu thereof the words "one year."

Said amendments were each concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Lee Johnson	Edw. P. Prichard
F. H. Bassett, Jr.	Paul S. Jonas	James E. Quill
W. G. Biggers	Wm. E. Justice	C. R. Reeves
Isaac Blevins	H. Clay Kauffman	L. Allen Rhoads
J. C. Bradley	M. Kavanaugh	Wade H. Riley
Jno. W. Burkhart	G. M. Knuckles	H. G. Royalty
Chas. W. Burnley	J. T. Linton	Amos Runyon
C. D. Call	Homer E. Losey	F. W. Schuhmann
Willis Champion	A. L. Love	Jno. W. Simmons
Jno. H. Clarke, Jr.	Pearl McKinney	Faust Y. Simpson
Thos. S. Dawson	Harry L. Moore	George T. Smith
Adron Doran	Herbert V. Moore	Robt. J. Spaulding
J. R. Dorman	L. D. Moore	Arthur Stallard
T. H. Dyer	W. B. Moser	Geo. W. Steinford
Harry W. Ennis	C. Sid Nabb	Joe Stewart
Dr. J. C. Gabbard	Coy C. Nevitt	Thos. M. Swope
J. D. Gross	Joe E. Nunn	C. W. Taylor
Jas. P. Hallahan	Chester Peterson	H. Thieman, Jr.
B. C. Holbrook	Albert W. Pfeiffer	E. B. Thompson
Benton Howard	Sylvester Phillips	Harry F. Walters
Clyde S. Howard	James T. Philpott	R. E. West
W. N. Hughes	J. Gip Prather	
W. H. Hunt	L. W. Preston	—67

Those who voted in the negative were—

J. J. Huff	Otis C. Thomas	—2

Mr. Quill moved that the vote by which said bill was

passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Howell moved that Rule 22 of this House be suspended and that the House take from the hands of the Committee on Rules, a resolution entitled:

H. Res. 31. Resolution providing for issual of license to practice dentistry to Grover Cleveland Bentley.

Said motion was disagreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

W. G. Biggers	Homer E. Losey	E. B. Thompson
J. R. Dorman	L. D. Moore	
Lee Johnson	Joe Stewart	—7

Those who voted in the negative were—

Chas. W. Anderson	A. Roy Copeland	W. N. Hughes
F. H. Bassett, Jr.	Marvin Cornett	W. H. Hunt
Isaac Blevins	John Henry Cox	Paul S. Jonas
Douglas T. Bolling	Fred Creasey	H. Clay Kauffman
J. C. Bradley	Dr. J. C. Gabbard	M. Kavanaugh
Jno. W. Burkhart	Franklin Goins	G. M. Knuckles
Chas. W. Burnley	B. C. Holbrook	J. T. Linton
C. D. Call	Benton Howard	A. L. Love
Willis Champion	Clyde S. Howard	Pearl McKinney
Jno. H. Clarke, Jr.	J. J. Huff	C. C. May

Harry L. Moore	Albert W. Pfeiffer	E. A. Spencer
Herbert V. Moore	J. Gip Prather	Geo. W. Steinford
W. B. Moser	Kleber F. Price	Thos. M. Swope
C. Sid Nabb	Edw. P. Prichard	H. Thieman, Jr.
Coy C. Nevitt	James E. Quill	Otis C. Thomas
Jno. C. Newcomb	C. R. Reeves	John L. Trumbo
Joe E. Nunn	H. G. Royalty	S. J. Wagner
H. C. Patterson	Carl Scheben	R. E. West
Chester Peterson	F. W. Schuhmann	Taylor Witt

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Mr. Quill moved that the vote by which the House refused to take said resolution from the hands of the Committee on Rules, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 61. An Act repealing and re-enacting Section 489 of the Civil Code of Practice, being a part of Chapter 137, Acts of 1942.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 489 of the Civil Code of Practice (being a part of Chapter 137, Acts of 1942) is repealed and the following is enacted in lieu thereof.

Section 489. Sale of Real Estate of Infants and Persons of Unsound Mind.

1. *Purposes of Sale.* The real property or any right, title or interest in real property of a person under the age of twenty-

one years, or of a person of unsound mind, whether such person be a resident or a non-resident of this State, may be sold under or by decree of a Court of Equity of the County in which the property or any part thereof is situated for any purpose deemed by the chancellor to be necessary or proper or beneficial to such person under disability.

2. *Parties.* The decree may be rendered on a petition, counter-claim or cross-petition filed by the statutory guardian of an infant, or by the committee of a person of unsound mind, or by a next friend, or by any party against a guardian or committee, if he have one residing in this State, in any kind of similar proceeding that may be maintained against a person who is not under disability.

Except in actions brought under sub-section eight (8) hereof, if the guardian or committee, of a person under disability be a party to the action then it shall not be necessary for the person under disability to be made a party personally.

If the guardian or committee of a person under disability be not a party to the action, then it shall be necessary for the person under disability to be a party personally and brought before the Court in the manner authorized by this Code.

Nothing contained in this sub-section shall limit the purposes of sale named in sub-section 1 hereof.

If the suit be filed against a guardian or committee and he shall fail to appear and defend or show that no good defense can be made, the Court shall appoint a guardian ad litem to do so.

3. *Substance of the Pleading.* The pleading seeking a sale shall file the title papers, or copies thereof, under which the property is held; shall particularly describe the property and the interest therein of the person under disability; set forth

fully the reasons or purposes for which it is sought to have the same sold; and the nature and extent of all liens upon the interest of the person, if any, so far as the same may be known to the petitioner.

4. *Reference to Commissioner.* The case may be referred by order of Court to the Master Commissioner for hearing of evidence and report on the facts and his recommendation with respect to the relief sought in the pleadings.

5. *Proof Required.* The allegations of the pleading shall not be taken as confessed but shall be proved by competent evidence heard on deposition or orally by the chancellor or commissioner. A transcript thereof shall be filed as part of the record.

6. *Payment of Proceeds—Bond.* The proceeds of any sale may be paid to the guardian or committee provided that he shall have executed in the Circuit Court a bond with surety to the Commonwealth for the use and benefit of the person under disability that he will faithfully discharge his trust and will account for, pay and deliver to said person all money and other property due or belonging to him when he shall reach his majority, or if he be a person of unsound mind when he shall be legally restored, or to his heirs or personal representative, or in compliance with an order of any court of competent jurisdiction. The court shall endorse its approval on said bond, which shall be recorded on the order book.

7. *Judgment—Guardian or Committee May Make Sale.* Subject to the above conditions, judgment may be rendered and executed in the same manner and on the same terms as judgments in similar cases where no person under disability is a party.

Provided, that (a) the Court may in its discretion authorize the guardian or committee of such person or the Com-

missioner of the Court to make said sale at public auction upon such terms and conditions as the court may order, and to convey title thereto; or (b) if the land or interest to be sold be of an appraised value of less than $1,000, the court may in the judgment authorize such fiduciary to make the sale privately and convey title; subject, however, to the approval of the chancellor before consummation.

8. *Private Sale—Approval of Court.* Without previous judicial proceeding or judgment the guardian of an infant or the committee of a person of unsound mind may sell privately or at public auction and convey any interest in real estate owned by a ward for such reasons and purposes and upon such terms and conditions as he shall deem best for the interest of said ward. Provided, however, that no such sale shall be consummated until same shall have been approved by the judge of the Circuit Court in the County where the land or a portion thereof is situated in a suit in equity filed by the guardian or committee against said infant or person of unsound mind. The petition shall set forth the reasons and purposes of the sale and the terms thereof.

If the person under disability be brought before the Court by service of summons, a guardian ad litem shall be appointed for such person. Proof shall be taken only on notice to said guardian ad litem or, if the person under disability be constructively summoned, on notice to his warning order attorney. Proof may be taken by depositions or orally before the chancellor and thereafter transcribed and filed in the record of the case. The guardian ad litem or warning order attorney shall make a defense or file a report stating that after careful examination of the case he is unable to make a defense.

If the chancellor shall deem the sale advisable and the terms and price satisfactory, he shall enter an order approving the same; provided, however, that the judgment shall not be entered until the guardian or committee shall have executed a

bond with approved surety in an amount not less than the sum due, or to become due, his ward from said sale providing that he will faithfully discharge all his duties as such guardian or committee and will comply with the judgment and orders of the court, and account for, pay and deliver the proceeds of the sale or property in which it shall be invested to his ward or other person entitled thereto. The bond shall be approved by the court and recorded in the order book. Provided if the share of the infant in the proceeds does not exceed $100.00, exclusive of interest, no bond shall be required of the guardian. This proceeding may be tried and judgment rendered in accordance with the provisions of Section 23.150, Ky. Rev. Stats.

9. *Court to Protect Rights.* The court shall at all times enter such orders as will conserve and protect the rights of the person under disability.

10. *Proceedings Not Void—Exceptions.* No defect or error in the proceeding shall render the judgment or sale void unless the same is of the nature and character that would render the proceeding void if all parties were sui juris.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	Adron Doran
F. H. Bassett, Jr.	C. D. Call	J. R. Dorman
W. G. Biggers	A. Roy Copeland	T. H. Dyer
Isaac Blevins	John P. Craig	Dr. J. C. Gabbard
Jno. W. Burkhart	Thos. S. Dawson	Franklin Goins

Jas. P. Hallahan	W. B. Moser	Carl Scheben
Claude Hammons	C. Sid Nabb	Fred W. Schuhman
B. C. Holbrook	Coy C. Nevitt	Leon J. Shaikun
Clyde S. Howard	Jno. C. Newcomb	Faust Y. Simpson
W. N. Hughes	Joe E. Nunn	George T. Smith
W. H. Hunt	Chester Peterson	Robt. J. Spaulding
Lee Johnson	Albert W. Pfeiffer	E. A. Spencer
Paul S. Jonas	Sylvester Phillips	Arthur Stallard
Wm. E. Justice	James T. Philpott	Geo. W. Steinford
H. Clay Kauffman	J. Gip Prather	Joe Stewart
M. Kavanaugh	L. W. Preston	Thos. M. Swope
G. M. Knuckles	Kleber F. Price	C. W. Taylor
Homer E. Losey	Edw. P. Prichard	H. Thieman, Jr.
A. L. Love	James E. Quill	S. J. Wagner
Pearl McKinney	C. R. Reeves	R. E. West
Herbert V. Moore	Wade H. Riley	Taylor Witt
L. D. Moore	Amos Runyon	

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Those who voted in the negative were—

Fred Carpenter	Chas. B. Gentry	Harry L. Moore
John Henry Cox	Benton Howard	
Fred Creasey	J. T. Linton	

—7

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate, announcing that they had passed a bill which originated in this House, entitled:

H. B. 389. An Act to perfect the Kentucky Revised Statutes.

With an amendment thereto by way of Substitute therefor, as proposed and adopted by the Senate.

(For bill see House Journal of March 2)

Said Substitute as proposed and adopted by the Senate, is as follows, viz.:

An Act to perfect the Kentucky Revised Statutes by repealing certain provisions that have been impliedly repealed or have become obsolete, or have been held unconstitutional by the Court of Appeals, correcting erroneous transposition of words and figures, correcting inadvertent changes of language, and restoring provisions of former statutes that were omitted under a misapprehension or by inadvertence.

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3.010 of the Kentucky Revised Statutes is amended to read as follows:

The Commonwealth of Kentucky consents to the acquisition by the United States of all lands and appurtenances in this state heretofore legally acquired, or that may be hereafter legally acquired by purchase, or by condemnation, for the erection of forts, magazines, arsenals, dock yards, post offices, custom houses, courthouses and other needful buildings, and for locks, dams and canals in improving the navigation of the rivers and waters within and on the borders of Kentucky.

§ 2. Subsection (1) of section 3.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Kentucky consents to the acquisition by the United States, by purchase or gift, or by condemnation, of such lands within the boundaries of Kentucky as in the opinion of the United States are needed for the establishment of national

forest reserves within prescribed areas. Before such establishment the written approval and consent of the Governor of Kentucky, recorded in his office, shall be given as to the area of lands acquired by the United States.

§ 3. Subsection (1) of section 25.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a regular term of the county court held by the county judge in each county once every month on Monday, and until changed as herein provided, shall be held on the same day it now is. The time of holding the county court in any county may be changed by an order made by the county judge and entered upon the records of the county court at the last regular term held in the year next preceding the year in which the change is made. Special terms of the county court may be held at any time for the transaction of any business except such as is specifically directed by law to be transacted at a regular term; and the court may adjourn from time to time until the business is disposed of, but no adjournment shall be to a time beyond the commencement of the next regular term.

§ 4. Section 25.175 of the Kentucky Revised Statutes is amended to read as follows:

One year after appointment and annually thereafter, unless otherwise provided by law, every fiduciary must render an account of the execution of his trust to the court by which he was appointed, including in such account an itemized statement of receipts and disbursements supported by vouchers accompanying the same and a statement of all investments on hand and changes in investments since the filing of his last account. Provided, however, that guardians, committees and trustees under continuing trusts, after their first accounting, shall render their accounts thereafter biennially, or at shorter intervals if the court shall require it. Such settlements, when approved and confirmed by the court, shall be recorded and

indexed by the clerk, and the original and the vouchers carefully kept by him in his office. An account shall be rendered by the fiduciary at any other time upon order of the court upon its own motion or that of any person interested in the trust, for good cause shown on affidavit. At the expiration of his trust such fiduciary must fully account for and pay over the trust estate to the person or persons entitled thereto. Every such account shall list all unpaid creditors whose claims have been allowed and all creditors whose claims have been disallowed. No account of a fiduciary except of corporate fiduciaries under the supervision of State or Federal banking authorities shall be approved until there are exhibited to the court, for its examination, the security or securities shown in said account as being in the hands of the fiduciary, or the certificate of a bank having possession thereof or in which they have been deposited for safekeeping, and a certified bank statement showing the funds to the credit of the trust.

§ 5. Subsection (2) of section 37.990 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person, other than a member of the Kentucky Active Militia, who shall wear any uniform or insignia or badge duly authorized as a designation of an officer or an enlisted man of the Kentucky Active Militia, shall be deemed guilty of a misdeameanor and upon conviction shall be punished by a fine of not less than one dollar nor more than ten dollars.

§ 6. Subsection (1) of section 68.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The proposed county budget adopted by the county budget commission and approved by the State Local Finance Officer as to form and classification shall be submitted to the fiscal court for adoption at the time fixed for the adoption of the county levy and budget, but not later than July 1 of each year. The county budget commission shall cause a copy of the

proposed budget to be posted in a conspicuous place in the court house near the front door, and to be published in a newspaper of bona fide general circulation in the county, at least ten days before final adoption by the fiscal court.

§ 7. Section 123.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every candidate for election to any state, county, city or district office shall, on the fifteenth day before the day of election, file with the officer with whom certificates of nomination for the office in question are required to be filed, a statement and oath in the same form and manner as provided for in subsection (1) of KRS 123.060, containing like information with respect to contributions, disbursements, expenditures and promises made in endeavoring to secure his election or in support and in connection with the election of any other person to be voted for at the same time.

(2) Every such candidate shall also, within thirty days after the election, make out and file with the chairman of the canvassing board authorized to issue the certificate of election for the office in question, a statement and oath in the same form and manner, relating to matters occurring after the filing of the statement provided for in subsection (1) of this section.

(3) The statements required by this section are in addition to those required by KRS 123.060.

§ 8. Section 136.380 of the Kentucky Revised Statutes is repealed.

§ 9. Subsection (2) of section 141.210 of the Kentucky Revised Statutes is repealed.

§ 10. Section 158.110 of the Kentucky Revised Statutes is amended to read as follows:

Boards of education shall furnish transportation from their general funds or otherwise for pupils of elementary grade who do not reside within reasonable walking distance of the school provided for them, and any board of education may provide transportation from its general funds or otherwise for any pupil of any grade who does not live within a reasonable walking distance from the school provided for him. The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the State Board of Education dealing with the transportation of pupils.

§ 11. Section 179.030 of the Kentucky Revised Statutes is repealed.

§ 12. Subsection (3) of section 180.030 of the Kentucky Revised Statutes is amended to read as follows:

(3) Real estate used by any steam or electric railroad as a right of way shall not be condemned for bridge or approach purposes.

§ 13. Sections 200.050 and 207.090 of the Kentucky Revised Statutes are repealed.

§ 14. Paragraph (b) of subsection (2) of section 243.990 of the Kentucky Revised Statutes is repealed.

§ 15. Subsection (2) of section 244.120 of the Kentucky Revised Statutes is repealed.

§ 16. Subsection (1) of section 271.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any number of corporations may consolidate into a single corporation. A majority of the corporations desiring to

consolidate may enter into a signed agreement stating the terms and conditions of consolidation, the mode of carrying it into effect, and any other facts necessary to be set out except those required in subsection (5) of KRS 271.020. This agreement shall also state the manner of converting shares of the old corporations into the new. The consolidated corporation shall be a domestic corporation of this state for all purposes.

§ 17. Subsection (1) of section 271.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any corporation organized under this chapter may, by the consent in writing of the owners of the majority of its outstanding shares of stock, unless otherwise provided in the articles of incorporation or amendments, close its business and wind up its affairs. When any corporation expires by the term of the articles of incorporation, or by the voluntary act of its stockholders, it may continue to act for the purpose of closing up its business, but for no other purpose. The directors shall settle up its affairs and business as speedily as possible. All debts of the corporation shall be paid in full before the directors receive anything for their services in connection with the liquidation, and before the stockholders receive anything. The directors shall cause notice to be published at least once a week for four consecutive weeks, in some newspaper printed and published in the county, if any, of the fact that it is closing up its business.

§ 18. Subsection (1) of section 271.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any corporation may sell and convey all of its property, rights, privileges and franchises.

§ 19. Section 279.200 of the Kentucky Revised Statutes is amended to read as follows:

Corporations formed under this chapter shall be exempt from all profit taxes, gross and net taxes, sales taxes, occupation taxes, privilege taxes, income taxes, taxes on electric current consumed and from all excise taxes whatsoever, any statute now existing or hereafter passed to the contrary notwithstanding. In lieu of all other state, county, city and district taxes, except ad valorem and franchise taxes, corporations formed under this chapter shall pay to the State Treasurer an annual tax of ten dollars.

§ 20. Subsection (1) of section 300.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every fraternal benefit society shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age. The age at which the payment of benefits for disability because of old age shall commence shall not be under seventy years. A society may provide for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits.

§ 21. Section 360.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) All contracts and assurances for the loan or forbearance of more than three hundred dollars in money or other thing of value at more than the legal rate of interest, are void as to the excess over legal interest. The principal, with legal interest, may be recovered on any such contract or assurance, but not the excess of interest, and such excess of interest, if already paid, may be recovered from the lender or forbearer, even though payment was made to an assignee; but if the lender or forbearer refuses, before suit is brought, a tender of the principal with legal interest, he shall pay the costs of any suit brought on the contract or assurance. A court having jurisdiction may grant equitable relief for any such excess of in-

terest, and to that end may compel the necessary discovery from the lender or forbearer.

(2) Partial payment on a debt bearing interest shall be first applied to the interest then due.

(3) Subsections (1) and (2) do not apply to loans made under Chapter 288.

§ 22. Section 376.020 of the Kentucky Revised Statutes is amended to read as follows:

If the owner claims by executory contract and for any cause the contract is rescinded or set aside, the lien provided for in KRS 376.010 shall follow the property into the hands of the person to whom the property may come or with whom it may remain by reason of the recision, but only to the extent that the actual value of the property is enhanced by the improvements so placed upon it.

§ 23. Subsection (2) of section 436.360 of the Kentucky Revised Statutes is repealed.

Said Substitute was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	C. D. Call	Fred Creasey
F. H. Bassett, Jr.	Willis Champion	Thomas S. Dawson
W. G. Biggers	Jno. H. Clarke, Jr.	Adron Doran
J. C. Bradley	A. Roy Copeland	J. R. Dorman
Jno. W. Burkhart	John Henry Cox	Dr. J. C. Gabbard
Chas. W. Burnley	John P. Craig	Chas. B. Gentry

J. D. Gross	Pearl McKinney	Leon J. Shaikun
R. M. Hall	C. C. May	Jno. W. Simmons
Jas. P. Hallahan	Herbert V. Moore	Faust Y. Simpson
Claude Hammons	L. D. Moore	George T. Smith
B. C. Holbrook	W. B. Moser	Robt. J. Spaulding
Benton Howard	C. Sid Nabb	E. A. Spencer
Clyde S. Howard	Coy C. Nevitt	Arthur Stallard
J. J. Huff	Jno. C. Newcomb	Geo. W. Steinford
W. N. Hughes	James T. Philpott	Joe Stewart
W. H. Hunt	L. W. Preston	Thos. M. Swope
Lee Johnson	Kleber F. Price	C. W. Taylor
Paul S. Jonas	Edw. P. Prichard	Egbert V. Taylor
Wm. E. Justice	James E. Quill	H. Thieman, Jr.
H. Clay Kauffman	C. R. Reeves	E. B. Thompson
M. Kavanaugh	Wade H. Riley	S. J. Wagner
G. M. Knuckles	H. G. Royalty	Harry F. Walters
J. T. Linton	Amos Runyon	R. E. West
Homer E. Losey	Carl Scheben	Taylor Witt
A. L. Love	F. W. Schuhmann	

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Mr. Quill moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 28. An Act relating to the Department of Revenue; amending sections 134.380, 135.050, 135.060, 135.070, 131.220, 131.330, 132.350 of the Kentucky Revised Statutes of 1942; and subsection 5 of section 131.130; and subsection 1 of section

140.160 Kentucky Revised Statutes of 1942; authorizing the Attorney General, with the approval of the Department of Revenue to appoint two additional Assistant Attorney's General for the Department of Revenue; prescribing their duties; fixing their compensation and time of payment; and providing for each of said Assistants an alltime stenographer; and fixing their compensation and the time of payment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 134.380 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Commissioner of Revenue may act in the name of and in behalf of the State and in the name of and in behalf of any and all counties, school and other taxing districts in the State, except cities, to institute and prosecute any action or proceeding for the collection of delinquent taxes and the assessment of omitted property. All power and authority heretofore or now vested in revenue agents, auditor's agents, sheriffs and other state, county or district agents or officers relating to the bringing or prosecution of actions or proceedings for the purposes contemplated by this section are transferred to and vested in the commissioner.

(2) The Commissioner of Revenue, or the Department of Revenue, shall be authorized to institute and prosecute actions for the collection of delinquent taxes and the assessment of omitted property only through the Attorney General, or through one of the Assistant Attorneys General designated by the Attorney General, or by law, for such purpose. The Department of Revenue shall cooperate to the fullest extent with the Attorney General and such Assistant Attorneys General in the furnishing of information and the procuring and introduction

of evidence, and all files and records of the Department of Revenue, including individual tax returns and schedules, shall at all times be available for inspection by the Attorney General and such Assistant Attorneys General. The Attorney General and such Assistant Attorneys General shall prosecute diligently the collection of all delinquent taxes due the state. Nothing in this subsection is intended to interfere with the duties of the county attorneys under KRS 132.040, 132.350, 134.340, 134.500, 134.540, and 135.040.

(3) Nothing contained in this chapter shall prevent the Commissioner of Revenue or the Kentucky Tax Commission from assessing any property in accordance with the provisions of KRS 136.020, 136.030, 136.050, 136.120 to 136.180 or 136.270.

(4) The Department of Revenue may require any reports necessary to administer the law in connection with the collection of delinquent taxes, and may promulgate rules and regulations as to how the tax bills, certificates of delinquency and other forms shall be filed and recorded. The department shall require an index to be kept of all certificates of delinquency.

2. Section 135.050 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Commissioner of Revenue shall prosecute diligently, or cause to be prosecuted by field agents and accountants, the collection of all license fees, omitted licenses, inheritance, estate, income, excise or franchise taxes, judgments or other moneys, claims or demands due the state from any person.

(2) The Department of Revenue may institute legal proceedings to ascertain the amount of tax due under any statute imposing a license, excise or income tax in favor of the state, and to enforce the collection of the amount due and the penalties and interest thereon, and, in the case of a license or

excise tax, to enjoin the operation of the business of the delinquent until the tax is paid, without being required to execute bond.

(3) The Department of Revenue may, at or after the commencement of an action under subsection (2) of this section to collect the amount of license, excise or income tax due and the penalties and interest thereon, have an attachment against the property of the person liable for the tax or a garnishment of his debtors, without the execution of a bond.

(4) No action shall be instituted or prosecuted for any purpose mentioned in this section through any attorney other than the Attorney General and such Assistant Attorneys General as are designated by the Attorney General or by law for such purpose.

3. Section 135.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Attorney General and such Assistant Attorneys General as are designated by the Attorney General, or by law, for such purpose may institute actions in the name of the Commonwealth, and in the name of any county, school or other taxing district, on relation of the Commissioner of Revenue, against any delinquent state, county or district officer or any person to recover taxes or any other money due the state or any county, school or other taxing district. Such actions shall be instituted upon the request of the Commissioner of Revenue, accompanied by a statement of facts reasonably indicating that a cause of action exists, or in any case where information is brought to the attention of the Attorney General or such Assistant Attorneys General indicating the existence of a cause of action.

(2) Before instituting any action under subsection (1) of this section, the Attorney General or Assistant Attorney

General shall file a copy of the petition in the proposed action with the Commissioner of Revenue, with a statement of the facts on which the action is based.

(3) In all actions brought under subsection (1) of this section in which a judgment is recovered, the party in default shall, in addition to the amount found to be due the state or any county, school or other taxing district, be adjudged to pay a penalty of twenty percent on the amount due.

4. Section 135.070 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

No action instituted under KRS 135.060 shall be settled except by judgment in open court, and no compromise or agreed judgment shall be entered in any such action except with the written approval of the Commissioner of Revenue. All files and records of the Attorney General and of the Assistant Attorneys General with regard to any action instituted under KRS 135.060 shall at all times be available for inspection by the Commissioner of Revenue or by a representative designated by him.

5. Subsection (5) of section 131.130 of the Kentucky Revised Statutes of 1942, relating to the performance of services for the Department of Revenue by Commonwealth's attorneys and county attorneys, is amended to read as follows:

(5) The Department may require the Commonwealth's attorneys and county attorneys to prosecute actions and proceedings and perform other services incident to the enforcement of laws assigned to the department for administration, except that no Commonwealth's attorney or county attorney shall prosecute any action for the collection of delinquent taxes or the assessment of omitted property unless with the approval of the Attorney General.

6. Section 131.220 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Field agents, accountants and attorneys of the Department of Revenue shall report to the Commonwealth's attorney, county attorney or grand jury, when directed to do so by the Commissioner of Revenue, and with the approval of the Attorney General, all persons who may be guilty of violating any tax law, and shall cause the offenders to be prosecuted.

7. Section 132.330 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The Department of Revenue, and its field agents, accountants and attorneys shall cause to be listed for taxation all property omitted by the county tax commissioners, boards of supervisors, Kentucky Tax Commission acting as a board of valuation and assessment, or any other assessing authority, for any year omitted. Such listing shall be caused by the institution of an action, on the relation of the Commissioner of Revenue, by the Attorney General or by such Assistant Attorneys General as may be designated by the Attorney General or by law for the purpose. Such action shall be instituted by filing in the office of the county clerk of the county in which the property may be liable to assessment a statement containing a description and value of the property or corporate franchise proposed to be assessed, the name and place of residence of the owner, his agent or attorney, or person in possession of the property, if known, and the year the property was unassessed. The county clerk shall thereupon issue a summons against the owner, or person in possession of the property if the owner is unknown, to show cause before the next regular term of the county court that does not commence within five days after the service of the summons, why the property or corporate franchise shall not be assessed at the value named in the statement filed. No judgment shall be rendered against the alleged owner unless the statement filed contains a description of the property

sought to be assessed that will enable the court to identify it. The summons shall be executed by the sheriff by delivering a copy thereof to the owner, or if he is not in the county to his agent, attorney or person in possession of the property. If the property is real property, and the owner is known but is absent from the state and has no attorney or agent in this state and no one is in possession of the property, the summons shall be served by posting it in a conspicuous place upon the property; if the property consists of tangible personal property the summons shall be placed in a conspicuous place where the property is located. In the case of tangible and intangible personal property, where the owner and his place of residence are unknown and no one has possession of the property, an action for assessment shall be instituted by filing the petition above mentioned and procuring constructive service against the owner under the provisions of sections 58, 59 and 60 of the Civil Code. In all of the above cases an attachment of the property omitted from assessment may be procured against the owner, at the time of the institution of the action or thereafter, and without the execution of a bond by the Commonwealth or its relator, by the representative of the Department of Revenue making an affidavit that the property described in the petition is subject to state, county, school or other taxing district tax, and is unassessed for any taxable year.

8. Section 132.350 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The county clerk shall, upon the filing of a statement under KRS 132.330 for the assessment of omitted property, enter the name of the Attorney General or Assistant Attorney General who brings the action as attorney for the department, and enter the name of the county attorney as attorney for the state, county, school or other taxing districts for which the Commissioner of Revenue is authorized to act as relator in such proceedings. The county attorney shall appear and prosecute or assist in the prosecuting of the proceeding in all the courts to

which it may be taken for trial. If there is a judgment assessing the property for taxation, the judgment in each case shall recite whether or not the county attorney was present and assisted in the trial of the proceeding. When he is present and assists in the proceeding he shall be allowed compensation for his services ten percent of the amount of state, county and school taxes assessed and collected pursuant to the judgment. The state and county shall be liable respectively for the payment only of the percentage allowance of compensation to the county attorney on the amount that each collected, and this shall be paid to the county attorney within thirty days afer the collection of the taxes, and charged against the fund to which the tax was credited.

9. Subsection (1) of section 140.160 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Department of Revenue shall have supervision of the collection of all taxes due under the provisions of this chapter. The Commissioner of Revenue shall have the power to institute suits in this and other States to carry out the full intent and purpose of this chapter, and all such suits shall be brought by the Attorney General or by one of the Assistant Attorneys General. The department shall furnish, upon application, blank forms covering such information as may be necessary, to determine the amount of tax due the state on the transfer of all property subject to tax.

10. A new section of the statutes is created, to read as follows:

(1) The Attorney General shall appoint two Assistant Attorneys General, with the approval of the Department of Revenue, whose duty it shall be to institute and prosecute actions for the collection of delinquent taxes and the assessment of omitted property, as contemplated by KRS 132.330, 134.380 and 135.060. Such Assistants shall devote such time as is

necessary to such duty but subject at all times to perform such duties generally for the office of Attorney General as directed by the Attorney General, and shall take such action as may be necessary or advisable to secure information with regard to delinquent taxes and omitted property. They shall advise and cooperate with the Commissioner of Revenue and the employes of the Department of Revenue, but shall at all times be subject to the supervision and direction of the Attorney General.

(2) Such Assistants shall be licensed practicing attorneys of this state, with at least four years' experience in actual practice. They shall serve for the term of the Attorney General by whom appointed, subject to removal by him at pleasure. They shall, before entering upon their duties, execute bond, with qualified corporate surety, in such sum as may be required by the Attorney General, sufficient to cover any funds which may come into their hands by virtue of their duties. The premiums on the bonds shall be paid out of the Delinquent Tax Fund established under KRS 134.400. Such Assistants shall not receive any tax money without specific written authority from the Commissioner of Revenue, and they shall be subject to the provisions of KRS 131.205.

(3) Each of such Assistants shall receive an annual salary of four thousand five hundred dollars ($4,500.00). Such salaries shall be paid in monthly installments out of the Delinquent Tax Fund established under KRS 134.400. The salary or compensation of such Assistant Attorneys General appointed pursuant to this Act, including all expenses, shall be limited to the money paid into the delinquent tax fund as a result of taxes collected in suits, actions or proceedings instituted by them; and in no event shall the salaries or compensation authorized by this Act exceed the amount so collected and paid into the delinquent tax fund.

(4) Such Assistants shall each be entitled to the services of a full-time stenographer who shall be employed by the At-

torney General and paid a compensation determined by the Attorney General with the approval of the Commissioner of Revenue, and said compensation not to exceed two thousand dollars ($2,000.00) per annum, and such compensation to be paid in monthly installments from the Delinquent Tax Fund established under Kentucky Revised Statutes, section 134.400. The salary or compensation and expenses of secretaries or stenographic help for the Assistant Attorneys General employed pursuant to the provisions of this Act shall be limited to the amount of money paid into the delinquent tax fund, pursuant to suits, actions and proceedings instituted by the Attorney General or Assistant Attorneys General under the provisions of this Act; and in no event shall the salaries or compensation authorized by this Act exceed the amount so collected and paid into the delinquent tax fund.

(6) The Commissioner of Revenue each three months shall file with the Governor of this Commonwealth a statement showing the receipts and disbursements for preceding three months and said statement shall give an itemized statement of each amount received and its source and an itemized statement showing each amount expended and purpose of expenditure and to whom paid.

11. Nothing in this Act shall be construed to apply to any contract heretofore made pursuant to law, nor shall any provision of this Act be construed to prohibit or to limit the right of any attorneys who represent the Commissioner of Revenue in any suits, actions, or proceedings which have been instituted pursuant to law and which are now pending. The provisions of this Act shall not apply to any of such cases.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Franklin Goins	Edw. P. Prichard
J. C. Bradley	R. M. Hall	James E. Quill
Jno. W. Burkhart	Jerry F. Howell	L. Allen Rhoads
Chas. W. Burnley	Paul S. Jonas	H. G. Royalty
C. D. Call	M. Kavanaugh	Amos Runyon
Jno. H. Clarke, Jr.	C. C. May	Leon J. Shaikun
A. Roy Copeland	W. B. Moser	Jno. W. Simmons
John Henry Cox	C. Sid Nabb	Faust Y. Simpson
Fred Creasey	Joe E. Nunn	Geo. W. Steinford
Adron Doran	Chester Peterson	Harry F. Walters
J. R. Dorman	J. Gip Prather	

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Those who voted in the negative were—

Chas. W. Anderson	Wm. E. Justice	C. R. Reeves
Isaac Blevins	H. Clay Kauffman	Wade H. Riley
Fred Carpenter	G. M. Knuckles	Carl Scheben
Willis Champion	J. T. Linton	F. W. Schuhmann
John P. Craig	A. L. Love	George T. Smith
Thos. S. Dawson	Pearl McKinney	Robt. J. Spaulding
T. H. Dyer	Johnston Miller	E. A. Spencer
Dr. J. C. Gabbard	Harry L. Moore	Arthur Stallard
Chas. B. Gentry	Herbert V. Moore	Joe Stewart
J. D. Gross	J. Lee Moore	Thos. M. Swope
Jas. P. Hallahan	L. D. Moore	C. W. Taylor
Claude Hammons	Coy C. Nevitt	Egbert V. Taylor
B. C. Holbrook	Jno. C. Newcomb	H. Thieman, Jr.
Benton Howard	Albert W. Pfeiffer	Otis C. Thomas
J. J. Huff	Sylvester Phillips	E. B. Thompson
W. N. Hughes	James T. Philpott	S. J. Wagner
W. H. Hunt	L. W. Preston	R. E. West
Lee Johnson	Kleber F. Price	Taylor Witt

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Mr. Quill moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House, entitled:

H. Res. 81. Resolution designating State Highway 49 from Liberty to Lebanon, Kentucky, as the "Major Drye Highway."

H. Res. 34. Resolution authorizing payment of claims against the Commonwealth.

H. B. 66. An Act relating to the Department of Law.

H. B. 30. An Act repealing, amending and re-enacting Sec. 68.090 KTS so as to provide for an exception to the limitation on ad valorem taxes for financing of tubercular institutions.

H. B. 263. An Act relating to a lawful fence.

H. B. 293. An Act relating to the furnishing of copies of the Acts and Journals of the General Assembly to the state teachers colleges.

And that they had passed a resolution which originated in this House, entitled:

H. Res. 35. Resolution authorizing suits against the Commonwealth.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see House Journal of February 28)

Said amendment as proposed and adopted by the Senate, is as follows, viz:

Amend H. Res. 35 by substituting for the figure $1,000 in line 10 the figure $2,000.

Said amendment was concurred in.

Said resolution was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. H. Bassett, Jr.
W. G. Biggers
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Claude Hammons
B. C. Holbrook
Benton Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun

Jno. W. Simmons	Thos. M. Swope	S. J. Wagner
Faust Y. Simpson	C. W. Taylor	Harry F. Walters
George T. Smith	Egbert V. Taylor	R. E. West
Robt. J. Spaulding	Roy L. Taylor	Taylor Witt
E. A. Spencer	H. Thieman, Jr.	Speaker Harry Lee Waterfield
Arthur Stallard	Otis C. Thomas	
Geo. W. Steinford	E. B. Thompson	
Joe Stewart	John L. Trumbo	—88

Mr. Quill moved that the vote by which said resolution was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

H. B. 316. An Act relating to service of process on non resident persons, associations, etc.

H. B. 317. An Act relating to public libraries.

H. B. 376. An Act relating to reporting conveyances of real property and duties of the County Tax Commissioner.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of this House.

And that they had concurred in a resolution which originated in this House, entitled:

H. Res. 84. Resolution commending the Kentucky Statutes Revision Commission.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

H. B. 240. An Act to provide for Civil Service and pensions for county employees in counties containing cities of second class.

H. Res. 79. Resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, etc.

H. B. 363. An Act relating to fireworks.

H. B. 301. An Act to require the enrichment of bread and flour by the addition of certain vitamins.

H. B. 238. An Act providing for inspection of weighing machines and weighing devices in tobacco warehouses.

H. B. 381. An Act relating to Unemployment Compensation.

H. Res. 51. Resolution providing for the reservation of parking space on the Capitol Grounds for members of Legislature.

H. B. 320. An Act relating to life insurance policies.

H. B. 167. An Act relating to State appropriations for county roads allocated among the several counties, etc.

H. B. 56. An Act relating to motor vehicle operators' licenses.

H. Res. 59. Resolution authorizing suits against the Commonwealth of Kentucky.

H. B. 162. An Act to provide for the appointment of a conservator under certain circumstances.

H. B. 160. An Act concerning powers of attorney granted by persons serving in or present with the armed forces of the United States, and others.

S. B. 121. An Act providing for the establishment of a juvenile court in cities of third class.

S. B. 38. An Act providing for persons living in cities of fifth class, relating to school boards.

S. B. 27. An Act relating to game and fish.

S. B. 23. An Act providing for the taking of the sense of the people as to necessity of calling a Convention.

S. B. 145. An Act amending Sec. 393.100 KRS, relating to court.

S. B. 116. An Act relating to Unemployment Compensation.

S. B. 151. An Act providing for transfer of funds remaining after toll bridges in projects 9, 10, 12 and 14 were freed to sinking fund, etc.

S. B. 111. An Act relating to taxation of insurance companies.

S. B. 141. An Act relating to inheritance taxes.

S. B. 93. An Act relating to commitment of incompetents.

S. B. 51. An Act relating to salary, commissions and compensation of Commonwealth's Attorneys.

S. B. 39. An Act relating to the Active Militia.

S. B. 56. An Act creating the Division of Rural Highways in the Department of Highways.

S. B. 95. An Act relating to housing for persons in National Defense Works.

S. B. 118. An Act relating to veterans of World Wars.

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S. Res. 20. Resolution authorizing the payment of claims against the Commonwealth,

Thereupon all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills and resolutions which originated in the Senate, be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions which originated in this House, to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills, and resolutions duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The Speaker announced that under the provisions of 7.020 KRS, he had appointed the following persons from the membership of the House, to the Legislative Council:

James E. Quill	Faust Y. Simpson
Jerry F. Howell	Clyde S. Howard
Leon J. Shaikun	Vernon Seaton
J. D. Gross	Egbert V. Taylor

Mr. Quill moved that the membership as announced by the Speaker, be approved by the House.

Said motion was agreed to, and the same was approved.

Mr. Quill moved that the Speaker appoint a Committee of the House to wait upon the Senate and inform that body that the House has about completed the business before it and request that the Senate appoint a like Committee to act in conjunction with the Committee on the part of the House to wait upon the Governor and inform him that the House and Senate, composing this General Assembly of Kentucky, have completed the business before them and are now ready to adjourn sine die, and to inquire whether the Governor has a further communication to make.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Rhoads, Wagner and J. Lee Moore as members constituting said Committee.

After a time the Committee aforesaid reported that they had discharged the duties imposed upon them and that they had been informed by the Governor that he had no further communication to make.

The Journals of the House were then read and compared and approved by the House.

And then the House adjourned sine die.

Approved:

HARRY LEE WATERFIELD

Speaker, House of Representatives.

Attest:

BROOKS L. HARGROVE

Chief Clerk, House of Representatives.

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EXTRAORDINARY SESSION, 1944

FRIDAY, MAY 19, 1944

At a Special Session of the General Assembly of the Commonwealth of Kentucky, begun and held at capitol in the city of Frankfort, Kentucky, on Friday, May 19, one thousand nine hundred and forty-four and the one hundred and fifty-second year of the Commonwealth, in accordance and in obedience to a proclamation issued by the Governor of the Commonwealth on May 15, 1944, as hereinafter set out, the House of Representatives was called to order by The Honorable Harry Lee Waterfield, Speaker of the House of Representatives and was opened with prayer by the Reverend Paul S. Stauffer of the First Christian Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood	Chas. W. Burnley	Marvin Cornett
F. H. Bassett, Jr.	C. D. Call	John Henry Cox
W. G. Biggers	Fred Carpenter	John P. Craig
Douglas T. Bolling	Willis Champion	Thos. S. Dawson
J. C. Bradley	John H. Clarke, Jr.	Adron Doran
Jno. W. Burkhart	A. Roy Copeland	J. R. Dorman

T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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It appearing that a majority of all the members of the House were present, the following proclamations were read by Brooks L. Hargrove, Clerk of the House, viz.:

PROCLAMATION

by the

GOVERNOR

of the

COMMONWEALTH OF KENTUCKY

To All To Whom These Presents Shall Come:

WHEREAS, the regular 1944 session of the General Assembly of Kentucky adjourned without enacting an appropriation bill resulting under existing law in requiring all the governmental agencies and departments to operate under the Appropriation Act for the fiscal year 1943-1944; and

WHEREAS, the provision thereby made available for the common school educational system is not sufficient and creates a crisis in the schools, making it imperative that special provision be made for the common school system created and maintained under the mandate of the Constitution:

THEREFORE, in consideration of the facts and conditions mentioned, and by virtue of the power vested in me by the Constitution of the State to convene the General Assembly of the Commonwealth of Kentucky in extraordinary session, I, Simeon Willis, Governor of the Commonwealth of Kentucky, do hereby issue this proclamation convening the General Assembly of Kentucky in extraordinary session at the seat of Government at Frankfort, Kentucky, at two o'clock P. M. on the 19th day of May, 1944, for the sole purpose of making appropriations from the surplus and general fund for education as follows:

1. COMMON SCHOOL PER CAPITA FUND. For the payment

of teachers' salaries which shall include interest on State School Bonds.

2. EQUALIZATION FUND. For equalization of educational service in the common schools as provided by law.

3. FREE TEXTBOOKS. For the purchase of textbooks as provided by law.

4. LINCOLN INSTITUTE OF KENTUCKY. For ordinary recurring expenses of operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute.

5. COLLEGE TUITION FOR NEGROES. For extraordinary expenses of paying college tuition for negro students required to go out of the State to obtain higher educational training.

6. TEACHERS' RETIREMENT FUND. For administering and complying with the obligations of the State under the Teachers' Retirement Act KRS 161.220, and 161.710.

7. And for ordinary recurring expense of operation for 1944-1945 and 1945-1946 of the following other divisions and sub-divisions of the Department of Education and educational agencies under the control of the Kentucky Board of Education:

   a. Superintendent of Public Instruction

   b. Division of Certification

   c. State Board of Education

   d. State Textbook Commission

e. Vocational Education

f. Vocational Rehabilitation

g. Kentucky State College for Negroes

h. West Kentucky Vocational Training School for Negroes

i. Kentucky School for the Blind—White

j. Kentucky School for the Blind—Colored

k. Kentucky School for the Blind—Workshop for the Adult Blind

l. Mayo Vocational Training School

m. Public School Lunch Program

You will therefore assemble in accordance with this proclamation at the seat of Government at Frankfort, Kentucky, in extraordinary session on the day and date above written to act upon the subjects herein named and only said subjects.

GIVEN UNDER MY HAND, this fifteenth day of May, 1944, by the Governor.

SIMEON WILLIS

Simeon Willis
Governor

(SEAL)
CHARLES K. O'CONNELL

Secretary of State
By Christine Johnson
Assistant Secretary of State

PROCLAMATION

by the

GOVERNOR

of the

COMMONWEALTH OF KENTUCKY

To All To Whom These Presents Shall Come:

WHEREAS, in the Governor's proclamation of May 15, 1944, convening the General Assembly in extraordinary session, provision for the Kentucky School for the Deaf, including both white and colored, was inadvertently omitted; and

WHEREAS, the emergency which has arisen concerning education affects the Kentucky School for the Deaf,

THEREFORE, in order that the General Assembly may consider the whole subject matter sought to be submitted, according to the power vested in me by the Constitution of Kentucky, I do issue my proclamation amending and adding items as follows, to-wit:

To provide for the ordinary recurring expenses of operation of the Kentucky School for the Deaf, white and colored, and this addition will be treated by the General Assembly the same as if in the original proclamation.

GIVEN UNDER MY HAND this 17th day of May, 1944, by the Governor.

SIMEON WILLIS

Simeon Willis
Governor

(SEAL)
CHARLES K. O'CONNELL

Secretary of State

Mr. Quill moved that leaves of absence be granted to those members of the House who requested same.

Said motion was agreed to.

Mr. Quill moved that the Chief Clerk of this House be directed to send a message of sympathy on the part of the membership of the House, to the family of The Honorable L. D. Moore, member of this House, who is seriously ill.

Said motion was agreed to.

Mr. Quill offered the following Resolution, viz.:

HOUSE RESOLUTION

BE IT RESOLVED by the House of Representatives, that a Committee on this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized in Special Session and ready to proceed to the transaction of business and that said Committee shall in conjunction with a like Committee to be appointed from the Senate, wait upon the Governor and inform him that this Special Session of the General Assembly is now organized and ready to receive any communication he may have to make.

Said resolution was adopted.

Thereupon the Speaker appointed Messrs. Hammons, Huff, Thomas, Newcomb, and Craig as members constituting said Committee.

Mr. Quill offered the following resolution, viz.:

H. Res. 1. Be It Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein, that when the General Assembly adjourns today, it do

adjourn until 7:30 P. M. Central War Time, on Tuesday, May 23, 1944.

Said resolution was adopted.

Mr. Quill offered the following resolution, viz.:

HOUSE RESOLUTION

BE IT RESOLVED by the House of Representatives, That all elected officers of the House of Representatives, who were elected in the 1944 General Assembly, be and they are hereby continued in their respective offices for this 1944 Special Session, except the Enrolling Clerk who has resigned. Mrs. Emily Lane is hereby elected as Enrolling Clerk, and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives be and he is hereby empowered to appoint such additional employees as he may deem necessary.

Said resolution was adopted.

Mr. Quill offered the following resolution, viz.:

HOUSE RESOLUTION

BE IT RESOLVED by the House of Representatives, That the Sergeant-at-Arms be directed to invite the pastors of the various churches of Frankfort, Kentucky, to be present and open the meetings of this Special Session of the General Assembly, with prayer.

Said resolution was adopted.

Mr. Quill offered the following resolution, viz.:

H. Res. 2. A Joint Resolution appropriating money for the General Assembly of the Commonwealth of Kentucky for the fiscal year of 1944, and declaring an emergency to exist.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund for the payment of salaries and other necessary expenses of the General Assembly for the fiscal year of 1944 the sum of One Hundred Thousand Dollars ($100,000.00).

Section 2. Whereas, the funds heretofore appropriated for the 1944 General Assembly of the Commonwealth of Kentucky are exhausted, an emergency is declared to exist and this Resolution shall become effective immediately upon its passage and approval by the Governor.

Ordered that said resolution be referred to the Committee on Gubernatorial Notification, heretofore named.

Mr. Quill moved that the House do now meet in Joint Session with the Senate of Kentucky for the purpose of receiving an address by the Governor.

Said motion was agreed to.

Thereupon the Senate of Kentucky, in order, entered upon the floor of the House chamber and The Honorable Kenneth G. Tuggle, Lieutenant Governor and President of the Senate, took the Chair and presided and The Honorable Harry Lee Waterfield, Speaker of the House of Representatives, having taken his seat upon the right of the President of the Senate, the two Houses were convened in Joint Session which was composed of a majority of all the members elected to each House.

There being no objection, the call of the roll of the Senate and House of Representatives in Joint Session was dispensed with.

After a time His Excellency, Simeon S. Willis, Governor of the Commonwealth of Kentucky, appeared on the floor of the House and having taken his place at the Clerk's desk, addressed the General Assembly in Joint Session, as follows, viz.: Lieutenant Governor Tuggle, Mr. Speaker Waterfield, and Members of the General Assembly:

I have called you in extraordinary session to meet an extraordinary situation. The failure at the regular session to enact an appropriation act has required us by the force of existing law to operate the government under the appropriations for the last fiscal year of the current biennum. As a result, every department of the government will operate within the limits of expenditure provided by the act of 1942, for ordinary recurring expenses. The appropriations under the act of 1942, for capital outlay and emergency expenditures are not continued in effect. We can operate for the present under the last budget insofar as all the departments are concerned, except in the educational department. The amount appropriated by the act of 1942 for the schools proved insufficient. This fact was recognized by my predecessor who supplemented it from an emergency fund which he had, but which I do not have. In addition to that provision by Governor Johnson from one of his emergency funds, you provided three million dollars from the surplus to supplement the 1942 school appropriation for the current fiscal year. Moreover, the four hundred thousand dollars equalization fund has been spread more widely, and that means less to the counties that participated therein last year. The schools, therefore, are not in as good condition as they were during the fiscal year 1943-1944. The crisis of the schools which has been approaching over a number of years has been accentuated by the impact of war and the failure to maintain for next year provision equal at least to that for the current fiscal year. For these reasons I have deemed it necessary to call you together to deal with this single subject. I have limited your consideration solely to the

schools, because of the emergency that called for immediate action. Furthermore, I deemed it wise to remove the subject from every extraneous consideration. The single subject presented is the adoption of a bill for the relief of the schools. The peril of the schools is facing us now. There is a shortage of competent teachers, and a threat that many schools may be without teachers. I have heard from every part of the state, and I am convinced that the whole educational system will be greatly impaired if these proposed appropriations are not made. The act proposed is believed to be sufficient to solve the problem of the present crisis. The leaders of educational thought unite in advocating it. The amount of money required is available, although it requires the use of a part of the accumulated surplus. I see no reason why the surplus should not be used to the extent that may be necessary to meet these appropriations for education. The surplus belongs to the people for public use and was accumulated during the years when the appropriations for the common schools were certainly not sufficient. I can conceive of no emergency more pressing than the emergency of the schools to justify resort to a part of the surplus in the treasury. The very purpose to be served by a surplus, as I stated in my original message to you on January 10, 1944, is to take care of situations resulting from the impact of war, the fluctuations of revenue, and other conditions resulting from emergencies. I do not now propose, and have never proposed, that any part of the surplus should be used for current running expenses of the government. But relief for the schools is not of that character. Many teachers were selected for service in the war and are serving their country. It is no fault of theirs that they are not here to assist. They are rendering the paramount service required of all citizens. Some teachers have left for war work where the pay is higher. Certainly they should not be blamed because the work which they are rendering is essential. But the education of our children can not be postponed or delayed. It must be carried on each year. All we can do about it must be done,

and certainly we can make the provision deemed sufficient by the educational leaders of the state.

Many requests were addressed to me to include other subjects for your consideration. The importance of many of these subjects is apparent, but they can not be introduced at this time. The program for the tuberculosis hospitals has been launched. The General Assembly at its regular session enacted a law which will be effective on June 13, 1944, directing the Governor to appoint a commission for the purpose of devising plans for the construction, financing and operation of several tuberculosis institutions. This plan will be carried on in an orderly way and without delay, but it requires no further action by the Legislature until the report and recommendations of the commission shall be received. The provision for the repairs at the institutions now being carried out will be completed in a few months. At the end of that time we will know what further improvements are imperative, what man power and materials may be available for further construction, and what money may be required. That situation can be dealt with when the time arrives in the light of conditions then existing. In fact, all other subjects which have been suggested, however important, are not of such a nature as to require immediate action.

I recommend the adoption of the bill which will be offered to meet the present emergency. It will, in my opinion, promote the general welfare, and meet the reasonable expectations of the people. It will reflect credit on all who have part in the achievement.

SIMEON WILLIS

Governor

May 19, 1944

Mr. Quill moved that the Joint Session do now dissolve.

Said motion was agreed to.

Thereupon the Speaker resumed the Chair and called the House to order.

Mr. Quill offered the following resolution, viz.:

Be it resolved by the House of Representatives:

That the Rules governing the House of Representatives during the regular Session of 1944 be, and the same are, hereby adopted as the Rules of this House for the First Extraordinary Session of 1944, except that Rule 22 shall be eliminated and Rule 23 shall be repealed and amended as follows:

RULE 23

Standing Committees:

The Speaker of the House of Representatives shall appoint a Committee on Appropriation and a Committee on Education and such other Committees as he may deem necessary to properly consider the subjects included in any Extraordinary Call by the Governor.

Mr. Kauffman offered the following amendment to said resolution, viz.:

Amend said resolution to include an amendment to the Rule on Privilege of the Floor as follows:

Add after the words "families of Legislators" the words "Judges and Commissioners of the Court of Appeals."

Said amendment was agreed to.

Said resolution was then adopted, as amended.

Mr. J. Lee Moore offered the following resolution, viz.:

H. Res. 3. Resolution requesting detailed statement of financial condition of the Commonwealth from the Governor.

Said resolution is as follows, viz.:

JOINT RESOLUTION

WHEREAS, The Honorable Simeon S. Willis, Governor of the Commonwealth of Kentucky, has called in extraordinary session the General Assembly of the Commonwealth of Kentucky, to convene at the State Capitol in Frankfort, Kentucky, on this date, for the purpose of appropriating funds for school purposes, and

WHEREAS, The General Assembly is desirous of knowing the true financial condition of the Commonwealth,

Therefore, be it resolved by the House of Representatives and the Senate concurring:

That His Excellency, the Governor of the Commonwealth of Kentucky, furnish to the General Assembly, at his earliest possible convenience, a detailed statement of the financial condition of the Commonwealth.

Said resolution was adopted.

Mr. Quill moved that the House do now adjourn for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Hammons of the Committee on Gubernatorial Notification to which the same had been referred, reported a resolution entitled:

H. Res. 2. Resolution appropriating money for the General Assembly in extraordinary session, 1944.

With the expression of opinion that said resolution ought to pass.

Said resolution was read at length the first time and ordered to be placed on the Calendar.

Mr. Quill offered the following resolution, viz.:

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky, that the custodian of the State Capitol Building is directed to procure eighteen large fans immediately and to place them in the House of Representatives at such places as may be directed by the Speaker.

Said resolution was adopted.

Messrs. Doran, Marcum, Justice, Runyon, Losey, Burkhart, Newcomb, Simmons and Huff introduced the following bill, viz.:

H. B. 1-A. An Act appropriating the sums listed under the various items for the operation, maintenance, support and functioning of the State Department of Education and the various divisions thereof, as listed herein, including the common school per capita fund and the equalization fund, and appropriation for the Teachers' Retirement System, and the Kentucky School for the Deaf, for the fiscal year ending June

30, 1945, and June 30, 1946; designating the source or funds from which said appropriations are made.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944, and ending June 30, 1945, and for the fiscal year beginning July 1, 1945, and ending June 30, 1946, the following sums for the operation, maintenance, support and functioning of the Department of Education and the various divisions listed herein, including the common school per capita fund and the equalization fund, and appropriations for the Teachers' Retirement System and The Kentucky School for the Deaf:

DEPARTMENT OF EDUCATION

a. *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,

1944-1945	$67,500.00
1945-1946	$67,500.00

b. *Division of Certification.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

c. *State Board of Education.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

d. *State Textbook Commission.* For ordinary recurring expenses of operation,

1944-1945	$ 2,000.00
1945-1946	$ 500.00

e. *Common School Per Capita Fund.* For the payment of teachers' salaries and for no other purpose:

1944-1945	$13,361,062.37
1945-1946	$13,361,062.37

The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of the school year 1943-1944, including the salary supplement provided by the Deficiency Appropriation Act of 1944, except such reductions as may become necessary as the result of the decrease in the census which would require fewer teachers or a decline in local revenues in those districts levying the maximum ad valorem tax rate permitted by law. Any such reductions permitted shall be only for an amount which would be required to pay the number of teachers reduced and the decline in local revenue that would have been used for teaching services had no decline in local revenues occurred.

f. *Interest on State School Bonds.* From interest on State School Bonds, as provided by the State Constitution, for

the support of common schools, which amount shall be used to supplement the appropriation of Common School Per Capita in item (e)

1944-1945	$138,937.63
1945-1946	$138,937.63

g. *Equalization Fund.* For equalization of educational services in the common school to be expended as provided by law, and regulation of the State Board of Education,

1944-1945	$1,500,000.00
1945-1946	$1,500,000.00

h. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3% of this appropriation may be used for administration

1944-1945	$500,000.00
1945-1946	$500,000.00

i. *Vocational Education.* For ordinary recurring expenses of operation

1944-1945	$250,000.00
1945-1946	$250,000.00

j. *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise.

1944-1945	$61,000.00
1945-1946	$61,000.00

k. *Kentucky State College for Negroes.* For ordinary recurring expenses of operation

1944-1945	$150,000.00
1945-1946	$150,000.00

l. *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute.

1944-1945	$42,000.00
1945-1946	$42,000.00

m. *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses of operation

1944-1945	$44,000.00
1945-1946	$44,000.00

n. *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training

1944-1945	$7,000.00
1945-1946	$7,000.00

o. *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation

1944-1945	$82,000.00
1945-1946	$82,000.00

p. *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation

1944-1945	$9,300.00
1945-1946	$9,300.00

q. *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation.

1944-1945	$14,800.00
1945-1946	$14,800.00

r. *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation.

1944-1945	$145,000.00
1945-1946	$145,000.00

s. *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation.

1944-1945	$9,000.00
1945-1946	$9,000.00

t. *Mayo Vocation Training School.* For ordinary recurring expenses of operation.

1944-1945	$30,000.00
1945-1946	$30,000.00

u. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed

1944-1945	$799,000.00
1945-1946	$823,000.00

v. *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction,

1944-1945	$16,800.00
1945-1946	$16,800.00

It is the intention of the General Assembly that the appropriations hereby made are to be paid in full without reduction and in the event the income for either fiscal year shall be insufficient to pay these appropriations, after full payment of the amounts required to be paid under the appropriation act for the fiscal year 1943-1944 for the other ordinary and recurring expenses of the government under which the state government will operate during the next biennium, then and in such event the necessary amounts to pay same without any reduction in any item shall be paid out of any surplus that is now or may be then in the treasury of the state, anything in any law to the contrary notwithstanding.

Ordered that said bill be printed and referred.

A message was received from the Senate announcing that they had concurred in a resolution heretofore adopted by this House providing that when the House and Senate adjourn today, they adjourn to meet again on Tuesday, May 23 at 7:30 P.M.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MAY 23, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood	John P. Craig	Jerry F. Howell
F. H. Bassett, Jr.	Fred Creasey	J. J. Huff
Isaac Blevins	Thomas S. Dawson	W. N. Hughes
Douglas T. Bolling	T. H. Dyer	Lee Johnson
J. C. Bradley	Bernie S. Edlin	Paul S. Jonas
Jno. W. Burkhart	Dr. J. C. Gabbard	Wm. E. Justice
C. D. Call	Franklin Goins	H. Clay Kauffman
Fred Carpenter	J. D. Gross	M. Kavanaugh
Willis Champion	R. M. Hall	G. M. Knuckles
Jno. H. Clarke, Jr.	Jas. P. Hallahan	J. T. Linton
A. Roy Copeland	Claude Hammons	Homer E. Losey
Marvin Cornett	B. C. Holbrook	A. L. Love
John Henry Cox	Clyde S. Howard	Ed Marcum

C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Jno. C. Newcomb
H. C. Patterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Quill moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill introduced the following resolutions, viz.:

H. Res. 4-A. Resolution setting aside from the Legislative Fund additional compensation for officers and employees of the House and Senate.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby set aside from the Legislative Session Fund an additional compensation for the following officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Cloakroom Keepers, Janitor and Pages, to

that compensation provided for in Chapter 88 of the Acts of the General Assembly of 1936 and KRS 6.230 the sum of One Hundred ($100.00) Dollars per diem, for each body, for the duration of the 1944 Special Session.

2. That the aforesaid amount shall be prorated among the aforementioned constitutional officers and employees, according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936 and KRS 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the above mentioned amounts, and that the Clerk of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in Chapter 88 of the Acts of the General Assembly of 1936, and KRS 6.230.

Whereas, it is necessary that this additional compensation be received by the officers and employees of the 1944 Special Session in order to properly expedite the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

H. Res. 5-A. Resolution appropriating the sum of $750.00 for a contingent fund for the Clerk of the Senate and $750.00 for a contingent fund for the Clerk of the House.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky there is set aside out of the appropriation made by KRS 6.210 for legislative sessions as a contingent fund, the sum of seven hundred fifty dollars ($750.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by KRS 66.210 for legislative sessions as a contingent fund, the sum of seven hundred fifty dollars ($750.00). Said respective funds shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerk of the Senate and of the House of Representatives.

Ordered that said resolutions be printed and referred.

Mr. Quill moved that the Chief Clerk of this House be directed to procure and have installed at the Clerk's Desk a loud speaker.

Said motion was agreed to.

The Clerk read the following communication to the House, viz.:

To Hon. Kenneth Tuggle, President of Senate

Harry Lee Waterfield, Speaker of House

This is to inform you and the members of your respective bodies that the Legislative Digest, which for years has been designated the official publication of the Kentucky General Assembly will be published for the duration of the extraordi-

nary session called by the Governor to convene on May 19, 1944.

We take pleasure in informing you that the publishers of the Legislative Digest will furnish each member of each legislative body and the properly designated officials copies of each day's issue without an additional appropriation from this body for this particular special session.

Wilson Harper, Editor, Legislative Digest

Mr. Quill moved that said communication be spread upon the Journal.

Said motion was agreed to.

The Speaker announced the personnel of the Standing Committees of the House for this as follows, viz.:

COMMITTEE ON APPROPRIATIONS

James E. Quill, Chairman

S. J. Wagner	Clyde S. Howard	Vernon Seaton
F. H. Bassett, Jr.	Edw. P. Prichard	J. D. Gross
A. Roy Copeland	Kleber F. Price	T. H. Dyer
Faust Y. Simpson	Fred Carpenter	Leon J. Shaikun
John Henry Cox	Jerry F. Howell	Harry L. Moore
Egbert V. Taylor	Roy L. Taylor	

COMMITTEE ON EDUCATION

J. Lee Moore, Chairman

L. Allen Rhoads	M. Kavanaugh	R. E. West
W. B. Moser	Franklin Goins	Marvin Cornett
A. L. Love	Amos Runyon	C. D. Call
Joe Stewart	Jno. W. Burkhart	L. W. Preston
Johnston Miller	Claude Hammons	Benton Howard
Paul S. Jonas	W. H. Hunt	

COMMITTEE ON COMMON SCHOOL PER CAPITA FUND

Chas. W. Burnley, Chairman

Joe E. Nunn	Leon J. Shaikun	W. N. Hughes
W. B. Moser	H. G. Royalty	George T. Smith

COMMITTEE ON EQUALIZATION FUND

Harry W. Ennis, Chairman

C. Sid Nabb	Wade H. Riley	E. B. Thompson
J. C. Bradley	Jno. W. Simmons	John L. Trumbo

COMMITTEE ON FREE TEXT BOOKS

J. Gip Prather, Chairman

Chester Peterson	A. Roy Copeland	Homer E. Losey
Adron Doran	J. T. Linton	C. W. Taylor

COMMITTEE ON LINCOLN INSTITUTE OF KENTUCKY

Johnston Miller, Chairman

John P. Craig	Carl Scheben	Bernie S. Edlin
Jno. C. Newcomb	Harry F. Walters	Pearl McKinney

COMMITTEE ON COLLEGE TUITION FOR NEGROES

Chas. W. Anderson, Chairman

J. R. Dorman	J. C. Bradley	C. C. May
Joe Stewart	Geo. W. Steinford	Jas. P. Hallahan

COMMITTEE ON TEACHER'S RETIREMENT FUND

J. T. Linton, Chairman

Claude Hammons	John Henry Cox	Franklin Goins
L. Allen Rhoads	Fred Creasey	Albert W. Pfeiffer

COMMITTEE ON SUPERINTENDENT OF PUBLIC INSTRUCTION

E. P. Prichard, Chairman

James E. Quill	F. H. Bassett, Jr.	Otis C. Thomas
Faust Y. Simpson	Jno. H. Clarke, Jr.	Harry L. Moore

COMMITTEE ON DIVISION OF CERTIFICATION

Fred Creasey, Chairman

Clyde S. Howard	A. L. Love	Thomas S. Dawson
Roy L. Taylor	M. Kavanaugh	Willis Champion

COMMITTEE ON STATE BOARD OF EDUCATION

Harry F. Walters, Chairman

Douglas T. Bolling	J. R. Dorman	H. Clay Kauffman
Jno. H. Clarke, Jr.	Chas. B. Gentry	Edw. P. Prichard

COMMITTEE ON STATE TEXT BOOK COMMISSION

Douglas T. Bolling, Chairman

James E. Quill	Thos. M. Swope	Egbert V. Taylor
Paul S. Jonas	Jno. W. Burkhart	L. D. Moore

COMMITTEE ON VOCATIONAL EDUCATION

Faust Y. Simpson, Chairman

Kleber F. Price	Jerry F. Howell	Taylor Witt
C. D. Call	Amos Runyon	Robt. J. Spaulding

COMMITTEE ON VOCATIONAL REHABILITATION

John H. Clark, Jr., Chairman

Wm. E. Justice	Roy L. Taylor	Otis C. Thomas
L. W. Preston	Fred Carpenter	Egbert V. Taylor

COMMITTEE ON KENTUCKY STATE COLLEGE FOR NEGROES

James R. Dorman, Chairman

S. J. Wagner	L. W. Preston	Dr. J. C. Gabbard
H. C. Patterson	E. A. Spencer	Ed Marcum

COMMITTEE ON WEST KENTUCKY VOCATIONAL TRAINING SCHOOL FOR NEGROES

Carson R. Reeves, Chairman

W. G. Biggers	James T. Philpott	Harry W. Ennis
Isaac Blevins	Sylvester Phillips	Joe E. Nunn

COMMITTEE ON KENTUCKY SCHOOL FOR THE BLIND —WHITE

H. C. Patterson, Chairman

Geo. W. Steinford	Carl Scheben	J. C. Holbrook
J. C. Bradley	Jas. P. Hallahan	F. W. Schuhmann

COMMITTEE ON KENTUCKY SCHOOL FOR THE BLIND —COLORED

C. C. May, Chairman

Wade H. Riley	Chester Peterson	Vernon Seaton
H. J. Royalty	H. Thieman, Jr.	G. M. Knuckles

COMMITTEE ON KENTUCKY SCHOOL FOR THE BLIND —WORKSHOP FOR THE ADULT BLIND

Clay Kauffman, Chairman

A. Roy Copeland	J. Lee Moore	Lee Johnson
Benton Howard	Herbert V. Moore	J. J. Huff

COMMITTEE ON MAYO VOCATIONAL TRAINING SCHOOL

W. G. Biggers, Chairman

John Henry Cox	R. M. Hall	Arthur Stallard
Roy L. Taylor	Coy C. Nevitt	Henry Arrowood

COMMITTEE ON PUBLIC SCHOOL LUNCH PROGRAM

R. M. Hall, Chairman

J. Lee Moore	C. Sid Nabb	L. D. Moore
L. Allen Rhoads	J. D. Gross	Vernon Seaton

COMMITTEE ON KENTUCKY SCHOOL FOR DEAF—WHITE

S. J. Wagner, Chairman

Amos Runyon	H. G. Royalty	Taylor Witt
W. B. Moser	Thos. M. Swope	Arthur Stallard

COMMITTEE ON KENTUCKY SCHOOL FOR DEAF—COLORED

Leon J. Shaikun, Chairman

J. R. Dorman	Benton Howard	Coy C. Nevitt
Harry W. Ennis	G. M. Knuckles	Henry Arrowood

COMMITTEE ON WAYS AND MEANS

John Henry Cox, Chairman

Chas. W. Burnley	Geo. W. Steinford	Fred Creasey
James E. Quill	F. H. Bassett, Jr.	Faust Y. Simpson
Clyde S. Howard	H. C. Patterson	

The following bill was introduced, viz.:

By Messrs. Clyde Howard and Joe Stewart.

H. B. 2-A. An Act appropriating funds for the common schools for the fiscal years ending June 30, 1945 and June 30, 1946.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944 and ending June 30, 1945, and for the fiscal year beginning July 1, 1945 and ending June 30, 1946, the following sums for the benefit of the common schools of the Commonwealth.

a. Common School Per Capita Fund. For the payment of teachers' salaries and for no other purpose. The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of 1943-1944 including the salary supplement provided by the Deficiency Appropriations Act of 1944, except such reductions as may become necessary as the result of a decrease in enrollment which would require fewer teachers or a decline in local revenues in those districts levying the maximum tax rate for school purposes permitted by law. Any reductions permitted by the State Board of Education shall be only for the amounts which would be required to pay the number of teachers reduced and to meet the decline in local revenues that would have been used for teachers' salaries had no decline in local revenues occurred:

1944-1945	$13,361,062.37
1945-1946	$13,361,062.37

It is the intention of the Legislature that this fund shall also include in addition to the above amount and supplemented

thereto the interest on State School bonds amounting to $138,-937.63 for each year, as provided in the Constitution of Kentucky for the support of the common schools.

b. Equalization Fund. For equalization of educational services in common schools, as provided by law,

1944-45 ..... $1,500,000.00

1945-46 ..... $1,500,000.00

Ordered that said bill be printed and referred.

Mr. Simpson moved that the privilege of the floor be extended to Judge Bolin and Sheriff Johnson of Hickman County.

Said motion was agreed to.

The House took up for consideration from the Calendar a resolution entitled:

H. Res. 2-A. Resolution appropriating money for the extraordinary session of 1944.

The Constitutional provision as to the second reading of said resolution at length having been dispensed with, said resolution was read the second time by its title only.

Ordered that said resolution be placed in the Orders of the Day.

Mr. Quill moved that the House do now adjourn to meet again on tomorrow at eleven o'clock A.M.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MAY 24, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
J. C. Bradley
Jno. W. Burkhart
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
H. C. Patterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Joe Stewart
Thos. M. Swope
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

H. B. 1-A To Committee on Appropriations

H. B. 2-A To Committee on Appropriations

H. Res. 4-A To Committee on Appropriations

H. Res. 5-A To Committee on Appropriations

Mr. J. Lee Moore moved that when the House adjourn today, it adjourn to meet on tomorrow, Thursday, May 25, at 10:30 A.M.

Mr. Swope moved that when the House adjourn today, it adjourn to meet on tomorrow, May 25 at 2:00 P.M.

Said last named motion was disagreed to.

The motion as made by Mr. J. Lee Moore was then agreed to.

Mr. Swope offered the following resolution, viz.:

H. Res. 6-A A resolution entreating the Governor of the Commonwealth to amend his call for the present session of the General Assembly to include the consideration of appropriation of funds for tuberculosis hospitals.

Whereas, the ravages of tuberculosis are threatening the health of the citizens of the Commonwealth, and are causing the needless waste of human lives; and

Whereas, a judicious expenditure of public moneys for

the prevention and treatment of the disease would result in a public benefit of inestimable value; and

Whereas, the General Assembly at its regular 1944 session, by House Bill No. 147, provided a method of procedure for the establishment of State institutions for the care and treatment of persons suffering from tuberculosis, but no funds were appropriated to enable the purposes of such bill to be accomplished, now therefore

Be It Resolved by the House of Representatives:

That the Governor of the Commonwealth is entreated to amend his call for the present extraordinary session of the General Assembly to include the consideration of appropriation of funds for tuberculosis hospitals, from current receipts in the General Fund and from any surplus in the General Fund to the extent necessary.

That it is the sense of the House of Representatives that appropriations for the prevention and treatment of tuberculosis are of the greatest urgency and that the welfare of the citizens of the Commonwealth demands that such appropriations be made.

Said resolution was referred to the Committee on Ways and Means.

Mr. Prichard offered the following resolution, viz.:

RESOLVED, that the House of Representatives acknowledge with gratitude on behalf of the people of Kentucky, the successful war leadership of our Commander-in-Chief, Franklin D. Roosevelt, and his military and naval advisers;

RESOLVED FURTHER, that this House express its appreciation to the President, and to his Secretary of State, Cordell Hull, for the foundations of future peace for the world

and continued cooperation with our allies laid at Moscow, Cairo, and Teheran;

RESOLVED FURTHER, that this House express its apprehension at the evidences of internal disunity engendered by those selfish politicians and publishers, regardless of political party, who have engaged in destructive, distorted and ill-informed criticism of the President's military and international leadership, and of our Allies; and

RESOLVED FURTHER, that copies of this Resolution be sent to the President, to both Senators from Kentucky and to the Kentucky delegation in the National House of Representatives.

Said resolution was adopted.

The House took up for consideration from the Orders of the Day, a resolution entitled:

Said resolution is as follows, viz.:

H. Res. 2-A. A JOINT RESOLUTION appropriating money for the General Assembly of the Commonwealth of Kentucky for the fiscal year of 1943-1944, and declaring an emergency to exist.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund for the payment of salaries and other necessary expenses of the General Assembly for the fiscal year 1943-1944 the sum of One Hundred Thousand Dollars ($100,000.00).

Section 2. Whereas, the funds heretofore appropriated

for the 1944 General Assembly of the Commonwealth of Kentucky are exhausted, an emergency is declared to exist and this resolution shall become effective immediately upon its passage and approval by the Governor.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only, and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Henry Arrowood	Franklin Goins	Harry L. Moore
F. H. Bassett, Jr.	J. D. Gross	Herbert V. Moore
W. G. Biggers	R. M. Hall	J. Lee Moore
Isaac Blevins	Jas. P. Hallahan	L. D. Moore
Douglas T. Bolling	Claude Hammons	W. B. Moser
J. C. Bradley	B. C. Holbrook	C. Sid Nabb
Jno. W. Burkhart	Clyde S. Howard	Coy C. Nevitt
C. D. Call	Jerry F. Howell	H. C. Patterson
Fred Carpenter	J. J. Huff	Albert W. Pfeiffer
Willis Champion	W. N. Hughes	Sylvester Phillips
Jno. H. Clarke, Jr.	W. H. Hunt	James T. Philpott
A. Roy Copeland	Lee Johnson	J. Gip Prather
Marvin Cornett	Paul S. Jonas	Kleber F. Price
John Henry Cox	Wm. E. Justice	Edw. P. Prichard
John P. Craig	H. Clay Kauffman	James E. Quill
Fred Creasey	G. M. Knuckles	C. R. Reeves
Thos. S. Dawson	J. T. Linton	L. Allen Rhoads
J. R. Dorman	Homer E. Losey	Wade H. Riley
T. H. Dyer	Pearl McKinney	H. G. Royalty
Harry W. Ennis	C. C. May	Amos Runyon
Dr. J. C. Gabbard	Johnston Miller	Carl Scheben

F. W. Schuhmann	E. A. Spencer	H. Thieman, Jr.
Vernon Seaton	Arthur Stallard	E. B. Thompson
Jno. W. Simmons	Joe Stewart	John L. Trumbo
Faust Y. Simpson	Thos. M. Swope	S. J. Wagner
George T. Smith	Egbert V. Taylor	R. E. West
Robt. J. Spaulding	Roy L. Taylor	Taylor Witt

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There voted in the negative:

A. L. Love —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution heretofore adopted by this House, entitled:

H. Res 3-A. Resolution requesting a detailed statement of the financial condition of the Commonwealth.

Ordered that the Chief Clerk deliver said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MAY 25, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Fred Moffatt of the First Baptist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood	B. C. Holbrook	Sylvester Phillips
F. H. Bassett, Jr.	Benton Howard	James T. Philpott
W. G. Biggers	Clyde S. Howard	J. Gip Prather
Isaac Blevins	Jerry F. Howell	L. W. Preston
Douglas T. Bolling	J. J. Huff	Kleber F. Price
J. C. Bradley	W. N. Hughes	Edw. P. Prichard
Jno. W. Burkhart	W. H. Hunt	James E. Quill
Chas. W. Burnley	Lee Johnson	C. R. Reeves
C. D. Call	Paul S. Jonas	L. Allen Rhoads
Fred Carpenter	Wm. E. Justice	Wade H. Riley
Willis Champion	H. Clay Kauffman	H. G. Royalty
Jno. H. Clarke, Jr.	M. Kavanaugh	Amos Runyon
A. Roy Copeland	G. M. Knuckles	Carl Scheben
John Henry Cox	Homer E. Losey	F. W. Schuhmann
John P. Craig	A. L. Love	Jno. W. Simmons
Fred Creasey	Pearl McKinney	Faust Y. Simpson
Thos. S. Dawson	C. C. May	Robt. J. Spaulding
J. R. Dorman	Johnston Miller	E. A. Spencer
T. H. Dyer	Harry L. Moore	Arthur Stallard
Bernie S. Edlin	Herbert V. Moore	Joe Stewart
Harry W. Ennis	J. Lee Moore	C. W. Taylor
Dr. J. C. Gabbard	W. B. Moser	Egbert V. Taylor
Franklin Goins	C. Sid Nabb	Roy L. Taylor
J. D. Gross	Coy C. Nevitt	H. Thieman, Jr.
R. M. Hall	H. C. Patterson	Otis C. Thomas
Jas. P. Hallahan	Chester Peterson	E. B. Thompson
Claude Hammons	Albert W. Pfeiffer	John L. Trumbo

S. J. Wagner R. E. West Speaker Harry
Harry F. Walters Taylor Witt Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill offered the following resolution, viz.:

H. Res. 7-A. Be It Resolved by the House of Representatives, the Senate concurring therein, that when the House and Senate adjourn on Friday, May 26, that they adjourn until Wednesday, May 31, 1944 at 8:00 P. M. Central War Time.

Said resolution was adopted.

Mr. Love offered the following resolution, viz.:

Whereas, the Governor of Kentucky has called the members of the General Assembly into Extraordinary Session for the sole purpose of considering an appropriation for the schools of the Commonwealth, and

Whereas, a general budget law failed of passage at the regular 1944 Session of the General Assembly, and

Whereas, because of the failure of the passage of a budget law, the Commonwealth will operate under the budget law enacted at the 1942 Session of the General Assembly, and

Whereas, the needs of the Commonwealth have changed during the past two emergency years, and

Whereas, it is the duty of the Executive and Legislative Branches of the Government to consider the budgetary needs of the Commonwealth every two years, and make appropriations necessary to meet such needs, and

Whereas, there is an alarming need in this State for sufferers of tuberculosis, who need immediate attention to save their lives and prevent further spread of disease, and

Whereas, equipment and buildings, housing those of our unfortunate citizens, suffering from mental and other diseases, are in great need of enlargement and repairs, and

Whereas, the great forests of our Commonwealth stand endangered from fires, and lack of proper care, and

Whereas, the Crippled Children's Commission, the Home for the Incurables, the Control of Cancer, the Department of Health and Welfare, and all other branches of the State Government, administering to the needy and afflicted, including the unfortunate aged, are sorely in need of properly adjusted appropriations brought about to some extent by the past two emergency years, now therefore,

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky:

That beside the need of additional appropriations for schools, it is the opinion and belief of the House of Representatives that:

1. Sufficient funds should be appropriated for the building, equipment and maintenance of sanatoriums throughout the Commonwealth to take care of tubercular patients;

2. Sufficient funds should be appropriated to complete the building program at Hazelwood Sanatorium, including equipment and provision for free beds;

3. Sufficient funds should be appropriated for necessary repairing, enlarging and equipping of our state institutions;

4. Sufficient funds should be appropriated to the Division of Forestry for the protection and conservation of our forests;

5. Sufficient funds should be appropriated for the rendering of assistance to the Veterans of all Wars in the adjustment and protection of their rights;

6. Sufficient funds should be appropriated to take care of our unfortunate citizens, who, because of their age or because of physical or mental affliction, cannot now care for themselves.

Be It Further Resolved by the House of Representatives of the Commonwealth:

That because of the emergency and changed conditions and the imperative needs herein enumerated, the Governor of Kentucky be, and he is hereby petitioned to so enlarge and amend his call for the new pending Extraordinary Session that sufficient funds may be, and will be appropriated to adequately take care of not only the schools of this Commonwealth, but other branches of government and other branches of public welfare which are in dire need of adequate appropriations, and which will, after July 1, 1944, be unable to properly function under the 1942 Appropriation Act.

Be It Further Resolved: That a copy of this Resolution be spread upon the minutes of the Journal and a committee be appointed by the presiding officer of this House of Representatives to deliver a copy to the Governor of this Commonwealth.

Said resolution was adopted.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Jerry F. Howell	Kleber F. Price
W. G. Biggers	Paul S. Jonas	Edw. P. Prichard
Douglas T. Bolling	Wm. E. Justice	James E. Quill
J. C. Bradley	H. Clay Kauffman	L. Allen Rhoads
Jno. W. Burkhart	M. Kavanaugh	Wade H. Riley
C. D. Call	A. L. Love	H. G. Royalty
Fred Carpenter	Pearl McKinney	Amos Runyon
Jno. H. Clarke, Jr.	C. C. May	Jno. W. Simmons
A. Roy Copeland	Johnston Miller	Faust Y. Simpson
John P. Craig	J. Lee Moore	George T. Smith
Fred Creasey	W. B. Moser	Arthur Stallard
J. R. Dorman	C. Sid Nabb	Joe Stewart
Harry W. Ennis	H. C. Patterson	Roy L. Taylor
Franklin Goins	Chester Peterson	S. J. Wagner
R. M. Hall	J. Gip Prather	Harry F. Walters
Clyde S. Howard	L. W. Preston	—47

Those who voted in the negative were—

Henry Arrowood	J. J. Huff	Carl Scheben
Isaac Blevins	W. N. Hughes	F. W. Schuhmann
Willis Champion	W. H. Hunt	Robt. J. Spaulding
Thos. S. Dawson	Lee Johnson	E. A. Spencer
T. H. Dyer	G. M. Knuckles	C. W. Taylor
Bernie S. Edlin	Harry L. Moore	Egbert V. Taylor
Dr. J. C. Gabbard	Herbert V. Moore	Otis C. Thomas
J. D. Gross	Coy C. Nevitt	E. B. Thompson
Jas. P. Hallahan	Albert W. Pfeiffer	John L. Trumbo
Claude Hammons	Sylvester Phillips	R. E. West
B. C. Holbrook	James T. Philpott	Taylor Witt
		—33

Mr. Quill moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the Speaker, in accordance with the terms of the Resolution, appointed the following as members of the Committee to deliver said Resolution to the Governor, viz.:

Messrs. Quill, Egbert V. Taylor, Johnston Miller, Justice, Preston, McKinney and Rhodes.

Mr. Quill of the Committee on Appropriations reported resolutions entitled:

H. Res. 4-A. Resolution setting aside from the Legislative Session Fund additional compensation for officers and employees of the House and Senate.

H. Res. 5-A. Resolution appropriating $750.00 for a contingent fund for the Clerk of the Senate, and $750.00 for a contingent fund for the Clerk of the House.

With the expression of opinion that said resolutions ought to pass.

Said resolutions were each read at length the first time and ordered to be placed on the Calendar.

Mr. Quill moved that the House do now adjourn to meet again on tomorrow at 10:00 A. M.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MAY 26, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
F. H. Bassett, Jr.
W. G. Biggers
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Thos. S. Dawson
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. West moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The House took up for consideration from the Calendar, resolutions of the following titles, viz.:

H. Res. 4-A. Resolution setting aside from the Legislative Fund additional compensation for officers and employees of the House and Senate.

H. Res. 5-A. Resolution appropriating $750.00 for a contingent fund for the Clerk of the Senate, and $750.00 for a contingent fund for the clerk of the House.

Ordered that said resolutions be read the second time.

The Constitutional provision as to the second reading of said resolutions at length having been dispensed with, said resolutions were read the second time by their titles only.

Ordered that said resolutions be placed in the Orders of the Day.

A message was received from His Excellency, Simeon Willis, Governor of the Commonwealth of Kentucky, as follows, viz.:

MAY 25, 1944

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY:

In response to your request, I transmit herewith, in duplicate, a Special Report from the Department of Finance respecting the financial status of the General Fund at the close of business on May 22, 1944.

On February 7, 1944, I transmitted to you the Biennial Report of the Commissioner of Finance for the fiscal years ending June 30, 1942, and June 30, 1943.

If anything further is desired, please let me know.

Respectfully,
Simeon Willis, Governor

Said Special Report from the Department of Finance, is as follows, viz.:

SPECIAL REPORT

THE FINANCIAL STATUS OF THE GENERAL FUND AT THE CLOSE OF BUSINESS, MAY 22, 1944

Hon. Simeon Willis

Governor of the

Commonwealth of Kentucky

ACTUAL CASH POSITION, MAY 22, 1944

At the close of business on May 22, 1944, the actual General Fund cash balance in the State Treasury was $12,400,331.25. Against this cash, the following charges had been approved:

Warrants in transit	$ 142,215.57
Encumbrance obligations	$2,600,744.77
Total	$2,742,960.34

Deducting this total of immediate demands upon cash, amounting to $2,742,960.34, from the $12,400,331.25 in the Treasury, there remains a net free cash balance of $9,657,370.91.

FORECAST OF CASH POSITION BASED UPON THE RECORDS

For the remainder of the fiscal year ending June 30, 1944, the records show an unrealized balance of receipts amount-

ing to $1,865,210.35. In other words, actual receipts on May 22, 1944, amounting to $28,665,349.65, were $1,865,210.35 less than the estimate of $30,530,560.00 for the full year. Based upon the official estimate, additional cash receipts during the remainder of the year, amounting to $1,865,210.35, may be anticipated.

On May 22nd there was a free balance of allotments already made, amounting to $1,738,152.36. In addition to this, the balance of appropriations unalloted was $2,046,671.02. This latter balance was subject to allotment. The total of both balances, amounting to $3,784,823.38, would be subject to encumbrances after full allotments are made.

The final result indicated by the above conditions is shown below.

Actual free cash balance, May 22, 1944	$9,657,370.91
Estimated receipts unrealized	1,865,210.35
Total Cash (estimated)	$11,522,581.26
Deduct:	
Amount subject to further encumbrances	$3,784,823.38
Net cash position on June 30, 1944, as estimated	$7,737,757.88

COMMENTS

Considering the trend of receipts for the current fiscal year, it seems reasonable to predict that actual receipts will

exceed the book estimate by $500,000.00. It is also very probable that charges during the remainder of the year will be at least $375,000.00 less than appropriations or allotments authorized. This would indicate a total of $875,000.00 to be added to the above cash position of $7,737,757.88, making a net total of $8,613,000.00, in round numbers. We consider these differences between actual receipts and actual charges for the entire year in comparison with the estimated book records to be conservative. In other words, it is more probable that the actual free cash balance on June 30, 1944, will exceed $8,613,-000.00.

Attached hereto is a complete copy of the Daily Financial Statement of the Commissioner of Finance, as of May 22, 1944. The first section of this statement shows the free cash balance in each fund and for the State as a whole. In the second section, revenues received to date are compared with the estimates of the three budgeted funds. The third section shows total expenditures in both the General Fund and the Revolving Fund, and the fourth section shows the allotment for both the General Fund and the Road Fund.

Complete detailed statements of operations in each fund during the last two completed fiscal years were included in the Biennial Report. Estimates of budget requirements for the ensuing biennium were included in the Budget Report. In considering the current year appropriations to be continued under Section 45.120, Ky. Revised Statutes, it is not possible at the present time to determine the exact amount to be continued. Total appropriations as a result of 1942 Act amounted to $31,775,309.56, including the $3,000,000.00 appropriation for repair, reconstruction and construction of certain public buildings, etc. However, this amount, $31,775,309.56, included certain county fees, amounting to $535,000.00. Since the State will not receive the benefit of 25% of these fees after July 1, 1944,

we are climinating the amounts estimated for these counties from both receipts and appropriations. This leaves a net balance of appropriations amounting to $31,240,309.56 for the current year, excluding the county fees and all supplemental appropriations passed by the 1944 Session of the Legislature, but including the $3,000,000.00 for rehabilitating the institutions.

From Section 45.120, Ky. Revised Statutes it seems certain that the following appropriations cannot be continued:

Council of State Governments	$ 250.00
Special Emergency	200,000.00
National and Civil Defense	500,000.00
Capital Outlay, Institutions	3,000,000.00
Interest on Warrants	10,000.00*
Cumberland Gap	75,000.00
U. S. Commodity Distribution	65,000.00*
Equipment at University (Extraordinary)	60,000.00
Capital Outlay at University	200,000.00
Ky. State Employment Service	64,345.00
Overton Appropriation	600.00
Frankfort Cemetery	250.00
Interest on non-resident Tax Deposits	125.00
Finance Dept.—Legal Services	6,800.00*
State Fair—M. & M. Building Bonds	14,000.00
Mrs. Thurman Moore Claim (Amt. paid this year)	624.00*
Total	$4,196,994.00

The items above marked (*) will be discontinued because the expenditures are no longer needed. Deducting $4,196,994.

from the net amount of $31,240,309.56, previously shown, there remains a balance of $27,043,315.56.

The doubtful appropriations include the following:

New Lands and Buildings	$250,000.00
Covington-Kenton County T. B. Sanatorium	7,500.00
Warren County T. B. Sanatorium	5,000.00
Home for Incurables	15,000.00
Colored Red Cross Hospital	4,000.00
University—Research in Coal	7,500.00
Total	$289,000.00

The largest item in the latter group, New Lands and Buildings, $250,000.00, was appropriated for both extraordinary and ordinary expenditures. That is for both capital outlay and for administration of the building program. If no further appropriation for this purpose is made, perhaps $200,000.00, or approximately that amount, would lapse as an extraordinary expense. Not considering the other items, all of which are comparatively small, but deducting the $200,000.00, referred to above, a net amount of $26,843,315.56 would remain for each year of the ensuing biennium.

$26,843,315.56 annually would amount to $53,686,631.12 for the biennium. Estimated receipts for the biennium, excluding county fees amount to $61,398,500.00, or approximately $7,712,000.00 more than expenditures on the basis of the old budget continued.

We repeat that the amount of appropriations calculated to be forwarded is only approximate, depending upon condi-

tions already referred to and perhaps some other changes because of Acts of 1944 Session. These changes, however, would be comparatively small. The correctness of this calculated excess of receipts depend more upon the accuracy of the receipt of estimate.

It should be noted that this report considers the appropriations for the Educational Department as included in the 1942-1943 Budget Act.

Respectfully submitted,
Clarence Miller,
Commissioner of Finance

DAILY FINANCIAL STATEMENT

Fiscal Year to Close of Business, May 22, 1944

Fund	Cash Balance	Balance Warrants Authorized	Cash** Available	Unpaid Encumb.	Free* Balance
General	$12,400,331.25	$142,215.57	$12,258,115.68	$ 2,600,744.77	$ 9,657,370.91
Cold Check	15,245.68		15,245.68		15,245.68
Rev. Tr. & Agcy.	5,033,247.34	38,875.61	4,994,371.73	1,317,526.46	3,676,845.27
State Road	11,471,866.99	55.00	11,471,811.99	7,369,031.31	4,102,780.68
Bridge Bond					
B. B. Sinking	893,803.46		893,803.46		893,803.46
Co. Rd. Trust	71,106.01		71,106.01		71,106.01
Spec. Dep. Tr.	95,515.94		95,515.94		95,515.94
Fire & Tor. Ins.	59,042.62	28.30	59,014.32	10,247.17	48,767.15
Unemp. Comp.	136,579.94	20,000.00	116,579.94		116,579.94
Co. Sinking	286,953.86	6,257.50	280,696.36		280,696.36
Teach. Retir.	31,368.83	1,456.66	29,912.17	3,941.67	25,970.50
Int. Warr. Cash	13,278.72	13,278.72			
Total	$30,508,340.64	$222,167.36	$30,286,173.28	$11,301,491.38	$18,984,681.90

* Indicates red representing encumbrances to be paid from future receipts
** Indicates red representing authorization of current warrants in excess of cash balance

REVENUES AGAINST ESTIMATE

Fund	Actual To Date	TO END OF QUARTER		TO END OF YEAR		Mo. End Yr.
		Estimate	Unrealized Estimate*	Estimate	Unrealized Estimate*	
General	$28,665,349.65	$30,530,560.00	$1,865,210.35	$30,530,560.00	$ 1,865,210.35	3
Revol.	11,218,726.15	11,938,190.00	719,463.85	11,938,190.00	719,463.85	3
Road	1,927,093.69	2,357,475.00	430,381.31	12,890,850.00	10,963,756.31	12

* Indicates red representing actual revenue over estimate

TOTAL OPERATING EXPENDITURES OF STATE (EXCLUSIVE OF ROAD)

General Fund (Net Expenditures)	$29,101,184.16
Less Inter-Fund Charges*	4,122,222.01
General Fund (Net Expenditures Including Transfers)	$24,978,962.15
Revolving Trust & Agency Fund (Net Expenditures)	13,408,737.70
Total Operating Expenditures	$38,387,699.85

*The amount of inter-fund charges is included in the net expenditures of the general fund and represents transfers to revolving fund for disbursement. To include this amount in the total operating expenses would duplicate the charge.

ALLOTMENTS

	Appropriated	Allotted	Unallotted
General Fund	$34,846,607.72	$32,799,936.70	$2,046,671.02
State Road Fund	16,804,902.04	11,115,684.03	5,689,218.01

INTEREST-BEARING WARRANTS OUTSTANDING*

1% Uncalled	
1% Called and unpaid	
1½% Called and Unpaid	
2% Called and Unpaid	
2½% Called and Unpaid	
3% Called and Unpaid	
5% Called and Unpaid	$13,278.72
TOTAL	$13,278.72

* Interest-bearing warrants are excluded in the cash above.

COPY TO GOVERNOR WILLIS
By Mr. Van Hoose

Mr. Quill moved that the Chief Clerk be directed to have said report mimeographed and distributed to the membership of the House.

Said motion was agreed to.

The Speaker announced the personnel of the Committee on Enrollment, as follows, viz.:

W. B. Moser, Chairman
Thomas M. Swope
Jerry F. Howell
Henry Arrowood
Egbert V. Taylor
Sylvester Phillips
Joe Stewart

A message was received from the Senate announcing that they had concurred in resolutions heretofore adopted by this House, as follows:

H. Res. 7-A. Resolution providing that when the General Assembly adjourn on today, Friday, May 26, it adjourn to meet again on Wednesday, May 31, at 8:00 P.M.

H. Res. 2-A. Resolution appropriating money for the General Assembly.

Ordered that said last named resolution be delivered to the Enrolling Clerk of this House.

And that they had adopted resolutions which originated in that body, entitled:

S. Res. 5. Resolution appropriating the sum of Seven Hundred Fifty Dollars ($750.00) for a contingent fund for the Clerk of the Senate, and appropriating the sum of Seven Hundred Fifty Dollars ($750.00) for a contingent fund for the Clerk of the House.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky there is set aside out of the appropriation made by KRS 6.210 for legislative sessions as a contingent fund, the sum of seven hundred fifty dollars ($750.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by KRS 66.210 for legislative sessions as a contingent fund, the sum of seven hundred fifty dollars ($750.00). Said respective funds shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerk of the Senate and of the House of Representatives.

S. Res. 6. Resolution setting aside from the Legislative Session Fund additional compensation for officers and employes of the House and Senate.

WHEREAS, the General Assembly deems the compensation of the officers and employees of the Senate and the House of Representatives, as provided for in Chapter 88 of the Acts of the General Assembly of 1936 and KRS 6.230 inadequate for the proper functioning of the business of the Senate and the House of Representatives during the 1944 Special Session, now therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby set aside from the Legislative Session Fund an additional compensation for the following officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Cloakroom Keepers, Janitor and Pages, to that compensation provided for in Chapter 6.220 the sum of One Hundred ($100.00) Dollars per diem, for each body, for the duration of the 1944 Special Session.

2. That the aforesaid amount shall be prorated among the aforementioned constitutional officers and employees, according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936 and KRS 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the above mentioned amounts, and that the Clerk

of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in Chapter 88 of the Acts of the General Assembly of 1936, and KRS 6.230.

Whereas, it is necessary that this additional compensation be received by the officers and employees of the 1944 Special Session in order to properly expedite the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said resolutions be referred.

Mr. Hammons moved that the Rules of this House be suspended and that said resolutions be now advanced to a reading.

Said motion was agreed to.

Thereupon said resolutions were each read at length the first time and ordered to be placed on the Calendar.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MAY 31, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Father Joseph O'Dwyer of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
Benton Howard
Clyde S. Howard
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Shaikun moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a resolution entitled:

H. Res. 2-A. Resolution appropriating money for the General Assembly.

Thereupon all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said resolution to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said resolution duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Cox moved that the privilege of the floor be extended to Mr. A. H. Eickhoff of Indianapolis, Indiana.

Said motion was agreed to.

Mr. Walters moved that the privilege of the floor be extended to Hon. Bailey W. Newton.

Said motion was agreed to.

Mr. Burnley moved that Master Lee Allen Rhoads, son of the Honorable L. Allen Rhoads be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Swope and Mr. J. Lee Moore offered the following resolution, viz.:

H. Res. 8-A. Resolution commending The Honorable Alben Barkley as Vice-President.

Said resolution is as follows, viz.:

CONCURRENT RESOLUTION

WHEREAS, Kentucky has furnished to the Nation, in our senior Senator, the Honorable Alben W. Barkley, a worthy, creditable and successful representative in the Senate of the United States,

AND WHEREAS, this Commonwealth has furnished, in the person of our most distinguished and most widely known native son, in this generation, our own Alben W. Barkley, to the Roosevelt Administration, as Democratic Majority Leader,

AND WHEREAS, no man in America enjoys a more distinguished and deservedly high reputation, next to President Roosevelt himself, than our Senior Senator,

NOW THEREFORE, be it resolved that the House of Representatives of the General Assembly of Kentucky, with the Senate concurring therein, in Special Session assembled, do now record the deep pride we feel and the praiseworthy and brilliant leadership qualities we know Senator Barkley to possess, and that we endorse and commend him to the Democratic National Convention as a Candidate for Vice

President, as a running-mate of Franklin Delano Roosevelt, in the coming presidential campaign.

Said resolution was adopted.

The yeas and nays being required thereon by Messrs. Hallahan and Philpot were as follows, viz.:

Those who voted in the affirmative were:

Henry Arrowood	R. M. Hall	James E. Quill
F. H. Bassett, Jr.	Benton Howard	C. R. Reeves
W. G. Biggers	Clyde S. Howard	L. Allen Rhoads
Douglas T. Bolling	Paul S. Jonas	Wade H. Riley
J. C. Bradley	M. Kavanaugh	Amos Runyon
Jno. W. Burkhart	J. T. Linton	Carl Scheben
Chas. W. Burnley	A. L. Love	Leon J. Shaikun
C. D. Call	C. C. May	Jno. W. Simmons
Fred Carpenter	Johnston Miller	Faust Y. Simpson
Willis Champion	Harry L. Moore	Geo. W. Steinford
Jno. H. Clarke, Jr.	J. Lee Moore	Joe Stewart
A. Roy Copeland	W. B. Moser	Thos. M. Swope
Marvin Cornett	C. Sid Nabb	Roy L. Taylor
John Henry Cox	Joe E. Nunn	E. B. Thompson
John P. Craig	H. C. Patterson	S. J. Wagner
Fred Creasey	Chester Peterson	Harry F. Walters
J. R. Dorman	J. Gip Prather	Speaker Harry Lee Waterfield
T. H. Dyer	L. W. Preston	
Harry W. Ennis	Kleber F. Price	
Franklin Goins	Edw. P. Prichard	—57

Those who voted in the negative were:

Isaac Blevins	G. M. Knuckles	George T. Smith
Thos. S. Dawson	Albert W. Pfeiffer	Robt. J. Spaulding
Jas. P. Hallahan	Sylvester Phillips	R. E. West
J. J. Huff	James T. Philpott	
Lee Johnson	F. W. Schuhmann	—13

Mr. Swope moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Justice moved that when the House adjourn today, it adjourn out of respect to the memory of the late L. D. Moore.

Said motion was agreed to.

Mr. Hammons offered the following resolution, viz.:

H. Res. 9-A. Resolution providing for the payment of the per diem of the late L. D. Moore.

Said resolution is as follows, viz.:

RESOLUTION to pay Mrs. Sarah Stephens Moore the per diem allowance of her deceased husband, the late L. D. Moore.

WHEREAS, the late L. D. Moore was elected to the House of Representatives of this General Assembly at the general election in November, 1943, from the Whitley County Legislative District, and

WHEREAS, the said L. D. Moore was elected for a term of two years and being unable to serve in a portion of the special extraordinary necessary session which is now convened, and

WHEREAS, if he had been permitted to serve in the present session of the General Assembly he would have received as per diem or salary the sum of Five Hundred Dollars as a member of the General Assembly, and

WHEREAS, it has heretofore been the custom and precedent set by the General Assembly to allow the widow or the dependents of the deceased member of the General Assembly his per diem or salary that he would have received had he attended the session, and

WHEREAS, the deceased spent considerable time and money in his campaign for nomination and election as aforesaid, and

WHEREAS, his widow Mrs. Sarah Stephens Moore, is now obligated for and will be compelled to pay certain debts and obligations created by the said L. D. Moore, much of which was created while and due to his making the race for member of the General Assembly as aforesaid, and

WHEREAS, the said widow, Mrs. Sarah Stephens Moore, needs an allowance for her support and maintenance.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the legislative session fund the sum of Five Hundred Dollars to be paid to Mrs. Sarah Stephens Moore, widow of L. D. Moore, and the Commissioner of Finance is hereby directed to draw his warrant upon the Treasurer in favor of the said Mrs. Sarah Stephens Moore for the sum of Five Hundred Dollars.

The Speaker referred said resolution to the Whole House.

Mr. Hammons moved that said resolution be now taken from the Committee of the Whole House and advanced to a reading.

Said motion was agreed to.

Thereupon said resolution was read at length the first time and ordered to be placed on the Calendar.

Mr. Quill moved that when the House adjourn today it adjourn to meet again on tomorrow at 10:00 A.M.

Said motion was agreed to.

Mr. Quill moved that a Committee be appointed by the Speaker to draft suitable resolutions on the death of The Honorable L. D. Moore.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Quill, Egbert V. Taylor, Hammons, Shaikun and Gross as members constituting said Committee.

The Speaker announced that he had appointed the following members of this House as a Committee to attend the funeral of The Honorable L. D. Moore, viz.:

Messrs. Markham, Burkhart, Thompson, Gross, Hammons, Huff, Blevins and Knuckles.

The House took up for consideration from the Calendar resolutions of the following titles, viz.:

S. Res. 5. Resolution appropriating $750.00 as a contingent fund for the Clerk of the Senate and $750.00 as a contingent fund for the Clerk of the House.

S. Res. 6. Resolution appropriating additional compensation for officers and employees of the Senate and House.

Ordered that said resolutions be read the second time.

The Constitutional provision as to the second reading of

said resolutions at length having been dispensed with, said resolutions were read the second time by their titles only.

Ordered that said resolutions be placed in the Orders of the Day.

Mr. Quill moved that resolutions entitled:

H. Res. 4-A. Resolution appropriating additional compensation for officers and employees of the Senate and House.

H. Res. 5-A. Resolution appropriating $750.00 for a contingent fund for the Clerk of the Senate and $750.00 for a contingent fund for the Clerk of the House.

Be laid on the Clerk's Desk.

Said motion was agreed to.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JUNE 1, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Father Joseph O'Dwyer of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	F. H. Bassett, Jr.	Isaac Blevins
Henry Arrowood	W. G. Biggers	Douglas T. Bolling

J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Speaker Harry Lee Waterfield

Mr. Shaikun moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker appointed Messrs. Hammons and Philpott as

a Committee to wait upon the Governor and ascertain his position upon a resolution which was adopted on May 25 and delivered to the Governor, requesting that the Governor amend his call for this extraordinary session to include the subjects named in the resolution.

At the request of Mr. Burnley, the Speaker named Messrs. Biggers and Preston as additional members of said Committee.

Mr. Hunt moved that the privilege of the floor be extended to Mrs. Bondurant, a guest of Mrs. Homer Losey.

Said motion was agreed to.

Mr. Hunt moved that Robert Lee Losey and Douglas Losey, sons of The Honorable Homer Losey, be appointed Honorary Pages of this House.

Said motion was agreed to.

Mr. Preston moved that the House do now recess for twenty minutes.

Said motion was agreed to.

And then the House recessed.

Twenty minutes having expired, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Calendar a resolution entitled:

H. Res. 9-A. Resolution to pay Mrs. L. D. Moore the per diem allowance of her deceased husband, the late L. D. Moore.

Ordered that said resolution be read the second time.

The Constitutional provision as to the second reading of said resolution at length having been dispensed with, said resolution was read the second time by its title only.

Ordered that said resolution be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 5. Resolution appropriating $750.00 as a contingent fund for the Clerk of the Senate and $750.00 as a contingent fund for the Clerk of the House.

Said resolution is as follows, viz.:

RESOLUTION appropriating the sum of Seven Hundred Fifty Dollars ($750.00) for a contingent fund for the Clerk of the Senate, and appropriating the sum of Seven Hundred Fifty Dollars ($750.00) for a contingent fund for the Clerk of the House.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky there is set aside out of the appropriation made by KRS 6.210 for legislative sessions as a contingent fund, the sum of seven hundred fifty dollars ($750.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by KRS 66.210 for legislative sessions as a contingent fund, the sum of seven hundred fifty dollars ($750.00). Said respective funds shall be paid out on warrant of the Depart-

ment of Finance on requisition of the Chief Clerk of the Senate and of the House of Representatives.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Chas. W. Anderson	Clyde S. Howard	Kleber F. Price
F. H. Bassett, Jr.	J. J. Huff	Edw. P. Prichard
Isaac Blevins	W. N. Hughes	James E. Quill
Douglas T. Bolling	W. H. Hunt	C. R. Reeves
J. C. Bradley	Lee Johnson	Wade H. Riley
Jno. W. Burkhart	Paul S. Jonas	Amos Runyon
Chas. W. Burnley	Wm. E. Justice	Carl Scheben
C. D. Call	G. M. Knuckles	F. W. Schuhmann
Fred Carpenter	J. T. Linton	Vernon Seaton
Willis Champion	Homer E. Losey	Jno. W. Simmons
Jno. H. Clarke, Jr.	A. L. Love	Faust Y. Simpson
A. Roy Copeland	Pearl McKinney	George T. Smith
Marvin Cornett	C. C. May	E. A. Spencer
John Henry Cox	Johnston Miller	Arthur Stallard
John P. Craig	Harry L. Moore	Geo. W. Steinford
Fred Creasey	Herbert V. Moore	Joe Stewart
Thos. S. Dawson	J. Lee Moore	Roy L. Taylor
J. R. Dorman	W. B. Moser	H. Thieman, Jr.
Harry W. Ennis	C. Sid Nabb	Otis C. Thomas
Dr. J. C. Gabbard	Joe E. Nunn	E. B. Thompson
J. D. Gross	H. C. Patterson	John L. Trumbo
R. M. Hall	Chester Peterson	S. J. Wagner
Jas. P. Hallahan	Albert W. Pfeiffer	Harry F. Walters
B. C. Holbrook	Sylvester Phillips	Taylor Witt
Benton Howard	J. Gip Prather	

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last name motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 6. Resolution setting aside from the Legislative Session fund additional compensation for officers and employees of the House and Senate.

Said resolution is as follows, viz.:

RESOLUTION setting aside from the Legislative Session Fund additional compensation for officers and employees of the House and Senate.

WHEREAS, the General Assembly deems the compensation of the officers and employees of the Senate and the House of Representatives, as provided for in Chapter 88 of the Acts of the General Assembly of 1936 and KRS 6.230 inadequate for the proper functioning of the business of the Senate and the House of Representatives during the 1944 Special Session, now therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby set aside from Legislative Session Fund an additional compensation for the following officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Cloakroom Keepers, Janitor and Pages, to that com-

pensation provided for in Chapter 88 of the Acts of the General Assembly of 1936 and KRS 6.230 the sum of One Hundred ($100.00) Dollars per diem, for each body, for the duration of the 1944 Special Session.

2. That the aforesaid amount shall be prorated among the aforementioned constitutional officers and employees, according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936 and KRS 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the above mentioned amounts, and that the Clerk of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in Chapter 88 of the Acts of the General Assembly of 1936, and KRS 6.230.

Whereas, it is necessary that this additional compensation be received by the officers and employees of the 1944 Special Session in order to properly expedite the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

Chas. W. Anderson	Benton Howard	Edw. P. Prichard
F. H. Bassett, Jr.	Clyde S. Howard	James E. Quill
Isaac Blevins	J. J. Huff	C. R. Reeves
Douglas T. Bolling	W. N. Hughes	Amos Runyon
J. C. Bradley	W. H. Hunt	Carl Scheben
Jno. W. Burkhart	Lee Johnson	F. W. Schuhmann
Chas. W. Burnley	Paul S. Jonas	Vernon Seaton
C. D. Call	Wm. E. Justice	Jno. W. Simmons
Fred Carpenter	G. M. Knuckles	Faust Y. Simpson
Willis Champion	J. T. Linton	George T. Smith
Jno. H. Clarke, Jr.	Homer E. Losey	Robt. J. Spaulding
A. Roy Copeland	C. C. May	E. A. Spencer
Marvin Cornett	Johnston Miller	Arthur Stallard
John Henry Cox	Harry L. Moore	Geo. W. Steinford
John P. Craig	Herbert V. Moore	Joe Stewart
Fred Creasey	J. Lee Moore	C. W. Taylor
Thos. S. Dawson	W. B. Moser	Egbert V. Taylor
J. R. Dorman	C. Sid Nabb	Roy L. Taylor
T. H. Dyer	Joe E. Nunn	H. Thieman, Jr.
Harry W. Ennis	Chester Peterson	Otis C. Thomas
Dr. J. C. Gabbard	Albert W. Pfeiffer	E. B. Thompson
J. D. Gross	Sylvester Phillips	John L. Trumbo
R. M. Hall	J. Gip Prather	S. J. Wagner
Jas. P. Hallahan	Kleber F. Price	R. E. West
B. C. Holbrook		—73

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hammons of the Committee heretofore appointed to wait upon the Governor and ascertain his position on amending the call for this extraordinary session as outlined in a resolution adopted by this House, reported they had been informed by the Governor that he desired more time to study the situation and that the Governor requested that the House recess until 3:00 P.M.

The Speaker announced that he had appointed a Committee on the part of the House to meet with a like Committee to be appointed on the part of the Senate, to meet and discuss a general budget bill, composed of the following: Messrs. J. Lee Moore, Linton, Runyon, Rhoads, Simpson, Quill, Preston and Prichard.

Mr. Prather moved that the House do now recess until three o'clock P.M.

Said motion was agreed to.

And then the House recessed.

The hour of three o'clock P.M. having arrived, the Speaker resumed the Chair and called the House to order.

After a time, Mr. Quill moved that the House do now adjourn, to meet again on tomorrow at ten o'clock A.M.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JUNE 2, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Father Joseph O'Dwyer of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
J. R. Dorman
T. H. Dyer
Harry W. Ennis
Dr. J. C. Gabbard
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Howard moved that the privilege of the floor be extended to Mr. J. M. Bibb of Elizabethtown, Kentucky.

Said motion was agreed to.

Mr. Rhoads moved that the privilege of the floor be extended to Miss June Thomas of Lexington, Kentucky.

Said motion was agreed to.

Mr. Quill offered the following resolution, viz.:

WHEREAS, God, in His infinite wisdom, has seen fit to call from our midst our beloved friend and colleague, the Honorable L. D. Moore, the Representative from the County of Whitley, and

WHEREAS, his passing has caused deep distress to all the members of this body, Now Therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That this body express to the family of Representative L. D. Moore their deepest sympathy in their hour of sorrow and their keen regret that he should have been taken at a time when he was in a position to be of such great usefulness to the people of Kentucky.

He was rugged, honest, gentle, faithful and untiring in his effort to represent the best interest of the people of his District and of his State. To have seen him, to have known him and to have associated with him was a distinct honor to all of us.

It is the sense of this House that a Copy of this resolution be transmitted by the Clerk of the House to the widow and family of the late Representative L. D. Moore, a Copy given to the press of the Commonwealth of Kentucky and a Copy to be spread upon the Journal of the Kentucky House of Representatives.

The House is bowed in sorrow and distress because of the passing of the Representative from Whitley County, the Honorable L. D. Moore.

Said resolution was adopted.

A message was received from the Governor, which was read to the House, as follows, viz.:

TO THE HOUSE OF REPRESENTATIVES:

I have received a copy of your resolution requesting me to enlarge the call for the present special session so as to include several additional subjects.

When I issued the call for the special session I explained the necessity which compelled us to eliminate consideration of all other subjects except the schools. In a published statement I said:

> "I have called a special session of the General Assembly to meet at two P.M., Friday, May 19th, for the purpose of making appropriations for the common school system, asking that any extra amount required over the income for any fiscal year be taken from the surplus. It seems to me that the crisis in which the schools are now involved requires relief which can be met only by a special appropriation. If the income should be inadequate, then I think the surplus should be used for the schools to the extent of the deficit. I can conceive of no possible contingency calling for resort to the surplus of greater im-

portance than the maintenance of the school system.

"There are many other subjects which have been suggested to be embraced in the call, but these matters, however important, can be taken care of from time to time and do not require immediate action of the General Assembly. So far as these other subjects are concerned, they will be dealt with from time to time as action may be required. If an emergency should arise which requires legislative action in the future, a special session can then be called. Any action now would be predicated upon prophecy, and it is better to await events and deal with real situations. The only emergency requiring immediate attention is the schools, and I am limiting the session to that one subject so that it may be considered impartially and without being involved in other considerations."

As I explained to you in my message on May 19th, at the opening of the session, I fully appreciate the importance of each of the subjects suggested in your resolution. Many people have mentioned these subjects to me, and thorough consideration was given to each request before the special session was called. I conferred with many Senators and Representatives, and I reached the conclusion which I know is sound—that relief for the schools should be considered before undertaking to solve any other problem. First things come first. The schools will open early in July, and immediate relief is demanded. The condition of the schools constitutes a pressing emergency, and that subject is now before you for consideration.

The bill which has been introduced was carefully prepared and it is regarded as sufficient to take care of the schools. That bill has not been passed, although ample time has elapsed for its passage. It is not only the most important subject, but it is the only subject before the General Assembly. It serves no useful purpose to propose new subjects so long as

the one pressing problem remains unsolved. It would require but a few days to pass the school bill, and I trust it may receive your prompt, favorable and undivided consideration. The schools must have relief now. The other subjects will be considered in their own proper time and order, and appropriate action recommended.

I explained these matters to you in my message on May 19th. In that message I said:

> "The program for the tuberculosis hospitals has been launched. The General Assembly at its regular session enacted a law which will be effective on June 13, 1944, directing the Governor to appoint a commission for the purpose of devising plans for the construction, financing and operation of several tuberculosis institutions. This plan will be carried on in an orderly way and without delay, but it requires no further action by the Legislature until the report and recommendation of the Commission shall be received.
>
> "The provision for the repairs at the institutions now being carried out will be completed in a few months. At the end of that time we will know what further improvements are imperative, what man power and materials may be available for further construction, and what money may be required. That situation can be dealt with when the time arrives in the light of conditions then existing. In fact, all other subjects which have been suggested, however important, are not of such a nature as to require immediate action."

I have also explained it in public addresses. In an address to the Kentucky Educational Association I emphasized the needs and demands of other branches of the government. When the time comes to take action upon any other subject, I shall call upon you for such action.

With due respect to your opinion, as indicated in the resolution, I am convinced that the introduction at this time of any additional subjects would be the signal for additional delay and debate. Confusion of many things should not be allowed to delay action for the solution of our present pressing problem which can not be delayed. The attempts we see on every side to spread confusion, when you have but one subject for consideration, is sufficient to show what might result if the field were broadened and other subjects brought before you. The issue is simple, plain and unclouded. It is just this —shall the bill offered for the relief of schools, including sufficient of the surplus to meet any deficit in revenue, be enacted?

I recommend most earnestly that the proposed bill be adopted without further delay.

Respectfully,
SIMEON WILLIS
Governor

Mr. Hammons sent to the Clerk's desk the following memorandum addressed to Senator Ray B. Moss, viz.:
Memorandum to Senator Moss:

I have considered the tentative act appropriating money for the operation of the state government which you handed to me last evening. A corrected copy was sent to me this afternoon. The bill is not satisfactory to me.

1. Let the General Assembly pass the school bill now pending before it without change or amendment.

2. When that is done let the proposed bill be corrected in the following particulars:

(a) Make provision for the supplementing of old age assistance if the provision of the old budget should prove in-

sufficient. There is apprehension that this result may happen. Under the proposed bill all of the income and all of the surplus funds are disposed of so that if an emergency should arise in the future in respect to the old age assistance, there would be no way of caring for it except by new taxes and a special session of the General Assembly. In the first proposed bill which you handed me there had been written, and then cancelled, an emergency fund of $250,000 for each year of the next biennium to take care of a possible emergency requirement of the old age assistance fund, including funds for dependent children and aid to the blind. Undoubtedly this emergency should be made in any bill that I am to consider.

(b) The provision for the tuberculosis sanatoriums departs from the plan already adopted by the General Assembly. This conflict should be eliminated. I do not intend to be placed in a position of having two conflicting laws on the subject of the tuberculosis sanatoriums which would create confusion and possible delay. The appropriation for the tuberculosis sanatoriums should be made in accordance with the existing statute which will be effective June 13, 1944, or the legislature should clarify the situation, giving a single plan for this purpose. The board should contain representative men from different occupations, and should not be limited to the medical profession or any other single profession.

(c) The funds set apart for the repair of the institutions should be made on the same terms that were contained in the act of 1942 respecting the three million dollars. I do not think it should be frozen at the top so that no cushion would be left for emergencies. I see no reason why this fund should not be provided for the next two years on the same terms that it was provided for in the past two years. If the money is to be invested in United States bonds during the period when construction work is not practicable, the language should be changed so that the bonds could be converted into cash when

constructions contracts were made. In other words, the money should be available to comply with existing laws as to the making of such contracts, and the money should not be frozen for any definite period, but free to be used as soon as construction, materials and men are available.

I have repeatedly stated my reasons why the schools should be taken care of before anything else is undertaken. It is an emergency that is upon us now. As soon as that emergency is satisfied, and the members of the General Assembly sign an agreement to enact such a bill, we can then complete the entire subject matter. There will be ample time to resolve differences of opinion and to reach a definite conclusion, but until the school bill is passed it is a waste of time to discuss these other questions. I hope the school bill can be passed at once.

Cordially yours,
Simeon Willis, Governor.

June 1, 1944

Said memorandum was read before the House by the Chief Clerk of the House.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, resolutions entitled:

S. Res. 5. Resolution appropriating $750.00 as a contingent fund for Clerk of Senate and $750.00 for a contingent fund for Clerk of House.

S. Res. 6. Resolution appropriating from the Legislative Session fund additional compensation for the employees and officers of the Senate and House.

Thereupon all other busines was suspended and said resolutions were read at length and compared in open session and

found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said resolutions be delivered to the Enrolling Clerk of the Senate.

Under the Rules of this House, Mr. Hammons called a bill entitled:

H. B. 1-A. An Act appropriating money for the operation, maintenance, support and functioning of the State Department of Education and the various divisions thereof, as listed herein, etc.

from the hands of the Committee on Appropriations.

Whereupon said bill was delivered by the Chairman of said Committee to the Chief Clerk and forthwith laid upon the Clerk's desk.

Mr. Hammons moved that said bill be now taken from the Clerk's desk and advanced to a reading.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Hammons and C. W. Taylor, were as follows ,viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	T. H. Dyer	W. N. Hughes
Henry Arrowood	Dr. J. C. Gabbard	W. H. Hunt
Isaac Blevins	J. D. Gross	Lee Johnson
Willis Champion	Jas. P. Hallahan	Wm. E. Justice
Marvin Cornett	Claude Hammons	H. Clay Kauffman
John P. Craig	B. C. Holbrook	G. M. Knuckles
Thos. S. Dawson	J. J. Huff	Homer E. Losey

Ed Marcum	Carl Scheben	E. B. Thompson
Herbert V. Moore	Robt. J. Spaulding	John L. Trumbo
Coy C. Nevitt	E. A. Spencer	R. E. West
Albert W. Pfeiffer	Arthur Stallard	Taylor Witt
Sylvester Phillips	C. W. Taylor	
James T. Philpott	Egbert V. Taylor	—37

Those who voted in the negative were—

Douglas T. Bolling	J. Lee Moore	L. Allen Rhoads
J. C. Bradley	W. B. Moser	H. G. Royalty
Fred Carpenter	C. Sid Nabb	Amos Runyon
Jno. H. Clarke, Jr.	Joe E. Nunn	F. W. Schuhmann
A. Ray Copeland	H. C. Patterson	Leon J. Shaikun
Harry W. Ennis	Chester Peterson	Faust Y. Simpson
Paul S. Jonas	J. Gip Prather	George T. Smith
M. Kavanaugh	L. W. Preston	Joe Stewart
J. T. Linton	Kleber F. Price	Roy L. Taylor
A. L. Love	Edw. P. Prichard	S. J. Wagner
Pearl McKinney	James E. Quill	Speaker Harry
Harry L. Moore	C. R. Reeves	Lee Waterfield
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Mr. Quill moved that the vote by which the House refused to advance said bill to a reading be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the Speaker referred said bill to the Committee on Appropriations.

Mr. Hunt moved that the privilege of the floor be extended to Mr. S. O. Sears, Mayor of Central City, Kentucky.

Said motion was agreed to.

Mr. Cox moved that the Rules of this House be suspended for the purpose of allowing Committees to report.

Said motion was agreed to.

Thereupon Mr. Cox of the Committee on Ways and Means to which the same had been referred, reported a resolution entitled:

H. Res. 6-A. Resolution entreating the Governor of the Commonwealth of Kentucky to amend his call for the present extraordinary session of the General Assembly to include the consideration of appropriation of funds for tuberculosis hospitals.

With the expression of opinion that said resolution ought to pass.

Said resolution was read at length the first time and ordered to be placed on the Calendar.

Without objection, the following bills were introduced, viz.:

By Mr. Prichard.

H. B. 3-A. An Act appropriating money for the Common School Per Capita Fund and the Equalization Fund and for interest on State School Bonds, for fiscal years 1944-45 and 1945-46 and designating the source from which such appropriations shall be paid.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944 and end-

ing June 30, 1945, and for the fiscal year beginning July 1, 1945 and ending June 30, 1946, the following sums for the Common School Per Capita Fund and the Equalization Fund and interest on State School Bonds:

(a) *Common School Per Capita Fund.* For the payment of teachers' salaries and for no other purpose:

1944-1945 ..... $16,781,062.37
1945-1946 ..... $16,781,062.37

The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of the school year 1943-1944, including the salary supplement provided by the Deficiency Appropriation Act of 1944, except such reductions as may become necessary as the result of the decrease in the census which would require fewer teachers or a decline in local revenues in those districts levying the maximum ad valorem tax rate permited by law. Any such reductions permitted shall be only for an amount which would be required to pay the number of teachers reduced and the decline in local revenue that would have been used for teaching services had no decline in local revenues occurred.

(b) *Interest on State School Bonds.* From interest on State School Bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of Common School per Capita in item (a)

1944-1945 ..... $138,937.63
1945-1946 ..... $138,937.63

(c) *Equalization Fund.* For equalization of educational services in the common school to be expended as provided by law and regulations of the State Board of Education.

1944-1945 ..... $1,880,000.00
1945-1946 ..... $1,880,000.00

It is the intention of the General Assembly that the appropriations made by this Act shall be payable out of revenues received and credited to the General Expenditure Fund during the respective fiscal years and out of the unencumbered cash balance standing to the credit of the General Expenditure Fund as of the close of business on June 30, 1944. For this purpose the entire unencumbered cash balance standing to the credit of the General Expenditure Fund as of the close of business on June 30, 1944, shall be earmarked for the purpose of meeting the appropriations made by this Act, one-half of said balance to be held available for the purpose of meeting the appropriations made by this Act for the 1944-1945 fiscal year, the other one-half to be held available for the purpose of meeting the appropriations made by this Act for the 1945-1946 fiscal year.

By Mr. Burnley.

H. B. 4-A. An Act appropriating the sums listed under the various items for the operation, maintenance, support and functioning of the State Department of Education, and the various divisions thereof as listed herein, including the common school per capita fund and the equalization fund, and appropriations for the Teachers' Retirement System and The Kentucky School for the Deaf, for the fiscal years ending June 30, 1945 and June 30, 1946; designating the source or funds from which said appropriations are made; making provisions for possible deficiencies in revenue to meet said appropriations; and providing that said appropriations shall be in lieu of those made by Section 18 of Part One-A of Chapter 1 of the Acts of 1942.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the revenues accruing to the General Expenditure Fund for the fiscal year beginning July 1, 1944 and ending June 30, 1945, and for the fiscal year beginning July 1, 1945 and ending July 30, 1946, the following sums for the operation, maintenance, support and functioning of the Department of Education and the various divisions listed herein including the common school per capita fund and the equalization fund, and appropriations for the Teachers' Retirement System and The Kentucky School for the Deaf.

DEPARTMENT OF EDUCATION

a. *Superintendent of Public Instruction.* For ordinary recurring expenses of operation:

1944-1945 ..... $67,500.00
1945-1946 ..... $67,500.00

b. *Division of Certification.* For ordinary recurring expenses of operation.

1944-1945 ..... $15,000.00
1945-1946 ..... $15,000.00

c. *State Board of Education.* For ordinary recurring expenses of operation.

1944-1945 ..... $15,000.00
1945-1946 ..... $15,000.00

d. *State Textbook Commission.* For ordinary recurring expenses of operation.

1944-1945 ..... $2,000.00
1945-1946 ..... $ 500.00

e. *Common School Per Capita Fund.* For the payment of teachers' salaries and for no other purpose.

1944-1945 ..... $13.361,062.37
1945-1946 ..... $13,361,062.37

The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of the school year 1943-1944, including the salary supplement provided by the Deficiency Appropriation Act of 1944, except such reductions as may become necessary as the result of the decrease in the census which would require fewer teachers or a decline in local revenues in those districts levying the maximum ad valorem tax rate permitted by law. Any such reductions permitted shall be only for an amount which would be required to pay the number of teachers reduced and the decline in local revenue that would have been used for teaching services had no decline in local revenues occurred.

f. *Interest on State School Bonds.* From interest on State School Bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of Common School Per Capita in item (e)

1944-1945 ..... $138,937.63
1945-1946 ..... $138,937.63

g. *Equalization Fund.* For equalization of educational services in the common school to be expended as provided by law and regulations of the State Board of Education.

1944-1945 ..... $1,500,000.00
1945-1946 ..... $1,500,000.00

h. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3% of this appropriation may be used for administration:

1944-1945 ..... $500,000.00
1945-1946 ..... $500,000.00

i. *Vocational Education.* For ordinary recurring expenses of operation:

1944-1945 ..... $250,000.00
1945-1946 ..... $250,000.00

j. *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise:

1944-1945 ..... $61,000.00
1945-1946 ..... $61,000.00

k. *Kentucky State College for Negroes.* For ordinary recurring expenses of operation:

1944-1945 ..... $150,000.00
1945-1946 ..... $150,000.00

l. *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute.

1944-1945 ..... $42,000.00
1945-1946 ..... $42,000.00

m. *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses of operation.

1944-1945 ..... $44,000.00
1945-1946 ..... $44,000.00

. n. *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training.

1944-1945 ..... $7,000.00
1945-1946 ..... $7,000.00

o. *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation:

1944-1945 ..... $82,000.00
1945-1946 ..... $82,000.00

p. *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation:

1944-1945 ..... $9,300.00
1945-1946 ..... $9,300.00

q. *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation.

1944-1945 ..... $14,800.00
1945-1946 ..... $14,800.00

r. *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation.

1944-1945 ..... $145,000.00
1945-1946 ..... $145,000.00

s. *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation.

1944-1945 ..... $9,000.00
1945-1946 ..... $9,000.00

t. *Mayo Vocational Training School.* For ordinary recurring expenses of operation.

1944-1945 ..... $30,000.00
1945-1946 ..... $30,000.00

u. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed

1944-1945 ..... $799,000.00
1945-1946 ..... $823,000.00

v. *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction.

1944-1945 ..... $16,800.00
1945-1946 ..... $16,800.00

WHEREAS, a state of war exists in the U. S. and the effect upon the finances of the Commonwealth cannot be fully determined at this time it is the purpose and intention of this Legislature that the state expenditures for each fiscal year shall not exceed the total revenues accruing to the General Expenditure fund for the same fiscal year and that Section 2, Part Four, of the Appropriations Act of 1942, same being Chapter 47 of the KRS, shall be fully applicable to any and all appropriations provided in this Act.

WHEREAS, the existence of extraordinary economic conditions requires immediate provisions for public education activities, an emergency is hereby declared to exist and this Act shall take effect from and after its approval by the Governor.

By Mr. Quill.

H. B. 5-A. AN ACT appropriating sums for the various budget units and classes within and related to the Department of Education, including the Common School Per Capita Fund and the Equalization Fund, for the fiscal years 1944-1945 and 1945-1946; designating the source from which said appropriations shall be paid; and making provisions for a possible deficiency of revenues to meet said appropriations.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated, for the fiscal year beginning July 1, 1944 and ending June 30, 1945, and for the fiscal year beginning July 1, 1945 and ending June 30, 1946, the following sums for the various budget units and classes within and related to the Department of Education listed herein, including the Common School Per Capita Fund and the Equalization Fund:

DEPARTMENT OF EDUCATION

a. *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,

1944-1945	$60,000.00
1945-1946	$60,000.00

b. *Division of Certification.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

c. *State Board of Education.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

d. *State Textbook Commission.* For ordinary recurring expenses of operation,

1944-1945	$4,500.00
1945-1946	$4,500.00

e. *Common School Per Capita Fund.* For the payment of teachers' salaries and for no other purpose:

1944-1945	$13,361,062.37
1945-1946	$13,361,062.37

The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of the school year 1943-1944, including the salary supplement provided by the Deficiency Appropriation Act of 1944, except such reductions as may become necessary as the result of the decrease in the census which would require fewer teachers or a decline in local revenues in those districts levying the maximum ad valorem tax rate permitted by law. Any such reductions permitted shall be only for an amount which would be required to pay the number of teachers reduced and the decline in local revenue that would have been used for teaching services had no decline in local revenues occurred.

f. *Interest State School Bonds.* From interest on State School Bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of Common School Per Capita in item (e)

1944-1945	$138,937.63
1945-1946	$138,937.63

g. *Equalization Fund.* For equalization of educational services in the common school to be expended as provided by law, and regulation of the State Board of Education,

1944-1945	$1,500,000.00
1945-1946	$1,500,000.00

h. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not

exceeding 3% of this appropriation may be used for administration.

1944-1945	$250,000.00
1945-1946	$250,000.00

i. *Vocational Education.* For ordinary recurring expenses of operation

1944-1945	$250,000.00
1945-1946	$250,000.00

j. *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise

1944-1945	$61,000.00
1945-1946	$61,000.00

k. *Kentucky State College for Negroes.* For ordinary recurring expenses of operation

1944-1945	$150,000.00
1945-1946	$150,000.00

l. *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute.

1944-1945	$42,000.00
1945-1946	$42,000.00

m. *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses of operation

1944-1945	$44,000.00
1945-1946	$44,000.00

n. *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required

to go out of the State to obtain higher educational training

1944-1945	$7,000.00
1945-1946	$7,000.00

o. *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation

1944-1945	$82,000.00
1945-1946	$82,000.00

p. *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation

1944-1945	$9,300.00
1945-1946	$9,300.00

q. *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation.

1944-1945	$14,800.00
1945-1946	$14,800.00

r. *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation.

1944-1945	$145,000.00
1945-1946	$145,000.00

s. *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation.

1944-1945	$9,000.00
1945-1946	$9,000.00

t. *Mayo Vocation Training School.* For ordinary recurring expenses of operation.

1944-1945	$30,000.00
1945-1946	$30,000.00

u. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed

1944-1945	$799,000.00
1945-1946	$823,000.00

v. *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction,

1944-1945	$16,800.00
1945-1946	$16,800.00

It is hereby declared to be the intention and purpose of the General Assembly that the policy of "living within income" shall continue to be applied, as formerly, to the operations of the state government, and that the expenditures during each of the fiscal years 1944-1945 and 1945-1946 shall not exceed the amount of income received into the General Fund from revenues collected from original sources during the respective fiscal years; therefore, it is expressly herein provided that the appropriations made by this Act shall be payable solely out of revenues actually collected and received into the General Expenditure Fund during the respective fiscal years for which such appropriations are made, without recourse to any unencumbered balance that may stand to the credit of the General Expenditure Fund as of the close of business on June 30, 1944, except as hereinafter provided.

It is anticipated that the revenues to be collected and received into the General Expenditure Fund during the fiscal years 1944-1945 and 1945-1946 will be sufficient to meet in full the appropriations made by this Act for such fiscal years, together with the appropriations for other state functions that are deemed to have been made for such fiscal years by operation of law; however, since present economic conditions neces-

sarily render uncertain numerous anticipated sources of revenue, and since it is the desire of the General Assembly that the appropriations made by this Act for functions related to public education be paid in full, provision must be made to take care of an unanticipated deficiency of revenues. Therefore, the entire unencumbered cash balance in the General Expenditure Fund as of the close of business on June 30, 1944, is hereby directed to be set aside and held sacred and inviolate during the ensuing fiscal biennium in the nature of an Emergency Fund for Supplementation of Educational Appropriations. An amount of cash in the State Treasury equal to the unencumbered cash balance in the General Expenditure Fund as of the close of business on June 30, 1944 shall, within ten days after the beginning of the 1944-1945 fiscal year, be invested by the State Treasurer in United States War Bonds, and such bonds shall be held separate and apart for use only as hereinafter provided.

At the beginning of the last quarter of each of the fiscal years 1944-1945 and 1945-1946, the Commissioner of Finance, with the advice of the Commissioner of Revenue, shall ascertain, on the basis of the unencumbered and unallotted balance of current year receipts as of the last day of the preceding quarter, and on the basis of revenues anticipated to be received during the last quarter of such fiscal year, what sum will be available to make final allotments to pay in full all appropriations chargeable against the General Expenditure Fund for such fiscal year. If it appears that the amount of funds available will not be sufficient to pay all such appropriations in full, then all such appropriations, including those made by this Act and those deemed to have been made by operation of law, shall be equally and ratably reduced by the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor. In order to insure an equal proportionate reduction, if such reduction becomes necessary, the Commission of Finance shall not allot to any agency, prior to the beginning of the last quarter of either fiscal year, more

than eighty percent of the total appropriation of such agency for the fiscal year, except that this last restriction shall not apply to the appropriations made by this Act for the Common School Per Capita Fund and the Equalization Fund, since full allotment of such appropriations may be required prior to the beginning of the last quarter; however, in making the proportionate reduction referred to above, the amount by which the Common School Per Capita Fund and the Equalization Fund would have been reduced had they not previously been fully allotted, shall be computed. In case of a proportionate reduction of appropriations as contemplated by this Act, the amount by which the appropriations made by this Act (exclusive of the Common School Per Capita Fund and the Equalization Fund) are reduced (after crediting back the proportionate part representing the share of the Common School Per Capita Fund and the Equalization Fund, as provided in the succeeding paragraph of this Act) shall become a charge against the Emergency Fund for Supplementation of Educational Appropriations. A sufficient amount of the War Bonds in which such fund is invested shall be liquidated and the amount so obtained shall be allotted to complete full payment of such appropriations made by this Act.

The amount by which the Common School Per Capita Fund and the Equalization Fund would have been reduced had they not been allotted in full prior to the beginning of the last quarter of the particular fiscal year, shall also constitute a charge against the Emergency Fund for Supplementation of Educational Appropriations. An amount of War Bonds in which such fund is invested, equal to the amount of such charge, shall be liquidated and the amount so obtained shall be credited to the General Expenditure Fund and used to supplement, on a pro rata basis, the allotments to meet the appropriations made for such fiscal year.

The income from the War Bonds purchased under this Act shall be credited to the same fund to which the bonds are

credited, and shall become a part of such fund. Any part of such fund (Emergency Fund for Supplementation of Educational Appropriations) not used as authorized by this Act shall, as of the close of business on June 30, 1946, revert to and become a part of the General Expenditure Fund.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 9-A. Resolution to pay Mrs. L. D. Moore the per diem allowance of her deceased husband, the late L. D. Moore. (See House Journal of May 29).

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Henry Arrowood	Jno. H. Clarke, Jr.	R. M. Hall
F. H. Bassett, Jr.	A. Roy Copeland	Claude Hammons
W. G. Biggers	Marvin Cornett	B. C. Holbrook
Isaac Blevins	John Henry Cox	Clyde S. Howard
Douglas T. Bolling	John P. Craig	Jerry F. Howell
J. C. Bradley	Fred Creasey	J. J. Huff
Jno. W. Burkhart	Thos. S. Dawson	W. N. Hughes
Chas. W. Burnley	J. R. Dorman	W. H. Hunt
C. D. Call	T. H. Dyer	Lee Johnson
Fred Carpenter	Dr. J. C. Gabbard	Paul S. Jonas
Willis Champion	J. D. Gross	Wm. E. Justice

M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield
—83

Resolved that the title thereof be as aforesaid.

Mr. Hammons moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the House do now adjourn to meet again on Monday, June 5, at 8:00 P. M.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JUNE 5, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the Methodist Church of Frankfort.

The roll was called and the following members answered to their names, viz:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
Arthur Stallard
Geo. W. Steinford

Joe Stewart	E. B. Thompson	Taylor Witt
Thos. M. Swope	John L. Trumbo	Speaker Harry
C. W. Taylor	S. J. Wagner	Lee Waterfield
Egbert V. Taylor	Harry F. Walters	
H. Thieman, Jr.	R. E. West	

Mr. Copeland moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill moved that the House do now recess for fifteen minutes for the purpose of permitting the Committee on Appropriations to meet.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Johnston Miller offered the following resolution, viz:

H. Res. 10-A. A joint resolution providing for a committee of five members in the House of Representatives to be appointed by the Speaker and a committee of five members from the Senate to be appointed by the Committee on Committees to thoroughly investigate the actions and conduct of the Governor of the Commonwealth of Kentucky to determine as to whether or not by such conduct as he has displayed since becoming Governor of the Commonwealth of Kentucky impeachment proceedings should not be instigated against him.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Whereas, upon his taking office he refuted his campaign pledge to repeal the State Income Tax, and

Whereas, since his taking office he refuted his campaign pledge to live within the income of the Commonwealth of Kentucky, and

Whereas, he refuted his campaign pledge to reduce the operating expenses of the Government of Kentucky, and

Whereas, he refuted his campaign pledge to return the government to the local county governments as to rural highways and taxes and

Whereas, his party in the House of Representatives, at his request, defeated the budget bill during the regular session and

Whereas he called a special session to pass legislation for the schools' demands that House Bill No. 1 be passed immediately without amendment or change even though investigation by committees appointed by the Speaker of the House have learned that some of the items in the Bill are excessive, and

Whereas, every member of the House and Senate wishes and desires to pass an intelligent bill to relieve and to promote better education and better salaries for the teachers in the Commonwealth, and

Whereas, this State has successively operated under the budget for the past eight years, paying off a large debt and accumulating eleven million dollars surplus, he refuses to amend his call to a full budget and

Whereas, it would cost no more and be more businesslike to consider a whole budget now than to consider it piecemeal as he says he will do when the occasion or emergency arises and

Whereas, it appears that his statements concerning matters are made one day and refuted shortly thereafter or are not complied with, and it seems that the conduct of the Governor should be thoroughly investigated to determine whether or not impeachment proceedings should not be instituted against him.

Now, therefore, Be it Resolved that a Committee of Five members of the House of Representatives be appointed by the Speaker and a committee of Five members from the Senate be appointed by the Committee on Committees to thoroughly investigate the actions, conduct, and administration and executive ability of the Governor of the Commonwealth of Kentucky and determine as to whether or not in the opinion of the Committee impeachment proceedings should not be brought against the Governor immediately.

Said resolution was referred to

The Committee on Ways and Means.

The following bill was introduced, viz:

By Mr. Quill.

H. B. 6-A. An Act appropriating sums for the various budget units and classes within and related to the Department of Education, including the Common School Per Capita Fund and the Equalization Fund, for the fiscal years 1944-1945 and 1945-1946; designating the source from which said appropriations shall be paid; making provisions for a possible deficiency of revenues to meet certain of said appropriations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated, for the fiscal year beginning July 1, 1944, and ending June 30, 1945, and for the fiscal year beginning July 1, 1945 and ending June 30, 1946, the following sums for the various budget units and classes within and related to the Department of Education listed herein, including Common School Per Capita Fund and the Equalization Fund:

DEPARTMENT OF EDUCATION

a. *Superintendent of Public Instruction.* For ordinary recurring expenses of operation.

1944-1945	$60,000.00
1945-1946	$60,000.00

b. *Division of Certification.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

c. *State Board of Education.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

d. *State Textbook Commission.*....For ordinary recurring expenses of operation,

1944-1945	$2,000.00
1945-1946	$ 500.00

e. *Common School Per Capita Fund.* For the payment of teachers' salaries and for no other purpose:

1944-1945	$13,361,062.37
1945-1946	$13,361,062.37

The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount

budgeted for teachers' salaries is reduced below that of the school year 1943-1944, including the salary supplement provided by the Deficiency Appropriation Act of 1944, except such reductions as may become necessary as the result of the decrease in the census which would require fewer teachers or a decline in local revenues in those districts levying the maximum ad valorem tax rate permitted by law. Any such reductions permitted shall be only for an amount which would be required to pay the number of teachers reduced and the decline in local revenue that would have been used for teaching services and no decline in local revenue occurred.

Nor shall the State Board of Education approve any such budget or salary schedule which, as respects the use of money received from Common School Per Capita Fund or Equalization Fund, covers a longer school term than the school term held during the school year 1943-1944.

f. *Interest on State School Bonds.* For interest on State School Bonds, as provided by the State Constitution, for the support of Common Schools, which amount shall be used to supplement the appropriation of Common School Per Capita in item (e)

1944-1945	$138,937.63
1945-1946	$138,937.63

g. *Equalization Fund.* For equalization of educational services in the common school to be expended as provided by law, and regulation of the State Board of Education,

1944-1945	$1,500,000.00
1945-1946	$1,500,000.00

h. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3% of this appropriation may be used for administration

1944-1945 ..... $400,000.00
1945-1946 ..... $250,000.00

i. *Vocational Education.* For ordinary recurring expenses of operation

1944-1945 ..... $250,000.00
1945-1946 ..... $250,000.00

j. *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise

1944-1945 ..... $61,000.00
1945-1946 ..... $61,000.00

k. *Kentucky State College for Negroes.* For ordinary recurring expenses of operation

1944-1945 ..... $150,000.00
1945-1946 ..... $150,000.00

l. *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute

1944-1945 ..... $42,000.00
1945-1946 ..... $42,000.00

m. *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses of operation

1944-1945 ..... $44,000.00
1945-1946 ..... $44,000.00

n. *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training

1944-1945 ..... $7,000.00
1945-1946 ..... $7,000.00

o. *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation

1944-1945	$82,000.00
1945-1946	$82,000.00

p. *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation

1944-1945	$9,300.00
1945-1946	$9,300.00

q. *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation

1944-1945	$14,800.00
1945-1946	$14,800.00

r. *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation

1944-1945	$145,000.00
1945-1946	$145,000.00

s. *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation

1944-1945	$10,000.00
1945-1946	$10,000.00

t. *Mayo Vocation Training School.* For ordinary recurring expenses of operation

1944-1945	$35,000.00
1945-1946	$35,000.00

u. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed

1944-1945	$799.000.00
1945-1946	$823,000.00

v. *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction

1944-1945	$16,800.00
1945-1946	$16,800.00

It is hereby declared to be the intention and purpose of the General Assembly that the policy of "living within income" shall continue to be applied, as formerly, to the operations of the state government, and that the expenditure during each of the fiscal years 1944-1945 and 1945-1946 shall not exceed the amount of income received into the General Fund from revenues collected from original sources during the respective fiscal years; therefore, it is expressly herein provided that the appropriations made by this Act shall be payable solely out of revenues actually collected and received into the General Expenditure Fund during the respective fiscal years for which such appropriations are made, without recourse to any unencumbered balance that may stand to the credit of the General Fund as of the close of business on June 30, 1944, except as hereinafter provided.

It is anticipated that the revenues to be collected and received into the General Expenditure Fund during the fiscal years 1944-1945 and 1945-1946 will be sufficient to meet in full the appropriations for other state functions that are deemed to have been made for such fiscal years by operation of law; however, since present economic conditions necessarily render uncertain numerous anticipated sources of revenue, and since it is the desire of the General Assembly that the appropriations made by this Act for the Common School Per Capita Fund and the Equalization Fund, including interest on State School Bonds, be paid in full under any circumstances, provisions must be made to take care of an anticipated deficiency of revenues. Therefore, the entire unencumbered cash balance in the General Expenditure Fund as of the close of business on June 30, 1944,

is hereby directed to be set aside and held sacred and inviolate during the ensuing fiscal biennium in the nature of an Emergency Fund for Supplementation of Common School Appropriations. An amount of cash in the State Treasury equal to the unencumbered cash balance in the General Expenditure Fund as of the close of business on June 30, 1944 less such sum as is designated for use as operating capital, as hereinafter provided in this Act, shall, within ten days after the beginning of the 1944-1945 fiscal year, be invested by the State Treasurer in United States War Bonds, and such bonds shall be held separate and apart for use only as hereinafter provided.

Of the sum appropriated by this Act to the Emergency Fund for Supplementation of Common School Appropriation, $1,500,000.00 dollars shall be held in cash for the purpose of advancing operating capital for the General Expenditure Fund during the first three quarters of the respective fiscal years. Whenever, during such quarters, the cash balance in the General Expenditure Fund is insufficient to meet current budgetary needs, operating capital may be advanced out of such fund, the amount advanced to be repaid to the fund as soon as income receipts replenish the General Expenditure Fund cash balance.

In order to insure payment in full of the appropriations made by this Act for the Common School Per Capita Fund (including Interest on State School Bonds) and the Equalization Fund, and to permit such payment in full out of cash in the General Fund before it is determined whether there will ultimately be a deficiency of current revenues for either fiscal year, and at the same time protect other appropriations from a disproportionate reduction, by treating the Emergency Fund for Supplementation of Common School Appropriations as a guarantee fund out of which to repay to the General Expenditure Fund an amount equal to the amount by which the Common School Per Capita Fund and the Equalization Fund would have been reduced had the same percentage of reduction been ap-

plied to them as to other appropriations, the following procedure shall be followed: At the beginning of the last quarter of each of the fiscal years 1944-1945 and 1945-1946, the Commissioner of Finance, with the advice of the Commissioner of Finance, with the advice of the Commissioner of Revenue, shall ascertain, on the basis of the unencumbered and unallotted balance of current year receipts as of the last day of the preceding quarter, and on the basis of revenues anticipated to be received during the last quarter of such fiscal year, what sum will be available to make final allotments to pay in full all appropriations chargeable against the General Expenditure Fund for such fiscal year. If it appears that the amount of funds available will not be sufficient to pay all such appropriations in full, then all such appropriations, including those made by this Act and those deemed to have been made by operation of law, shall be equally and ratably reduced by the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor. In order to insure an equal proportionate reduction, if such reduction becomes necessary, the Commissioner of Finance shall not allot to any agency, prior to the beginning of the last quarter of either fiscal year, more than eighty percent of the total appropriation of such agency for the fiscal year, except that this last restriction shall not apply to the appropriations made by this Act for the Common School Per Capita Fund (including Interest on State School Bonds) and the Equalization Fund, since full allotment of such appropriation will be required prior to the beginning of the last quarter; however, in making the proportionate reduction referred to above, the amount by which the Common School Per Capita Fund and the Equalization Fund would have been reduced had they not previously been fully allotted, shall be computed. The amount by which the Common School Per Capita Fund and the Equalization Fund would have been reduced had they not been allotted in full prior to the beginning of the last quarter of the particular fiscal year, shall constitute a charge against the Emergency Fund for Supplementation of Common

School Appropriations. An amount of War Bonds in which such fund is invested, equal to the amount of such charge, shall be liquidated and the amount so obtained shall be credited to the General Expenditure Fund and used to supplement, on a pro rata basis, the allotments to meet appropriations for the final quarter of such fiscal year.

If, during either fiscal year, a portion of the Emergency Fund for Supplementation of Common School Appropriations has been used, as provided in this Act, in anticipation of a deficit in current year revenues, and at the end of such fiscal year it develops that the portion so used, or any part of it, would not have been required to be used, by reason of the revenues for the final quarter of the fiscal year exceeding the estimate made at the beginning of such quarter, the portion so used shall be repaid to the Emergency Fund for Supplementation of Common School Appropriations, to the extent that the revenues received in excess of the anticipated receipts for the final quarter permit the same to be done, and shall be invested in United States War Bonds. It is the express intent of the General Assembly to provide that after any portion of the Emergency Fund for Supplementation of Common School Appropriations has been withdrawn in anticipation of a deficit in current year revenues, no portion of the revenues received during the final quarter of such year in excess of the estimate made at the beginning of such quarter shall be used to meet appropriations until the amount withdrawn from such emergency fund has been repaid to the fund, out of such excess revenues, less such amount as would have been required to be withdrawn from such fund on the basis of the ultimate actual percentage of deficit in revenues.

The income from the War Bonds purchased under this Act shall be credited to the same fund to which the bonds are credited and shall become a part of such fund. Any part of such fund (Emergency Fund for Supplementation of Common

School Appropriations) not used as authorized by this Act shall, as of the close of business on June 30, 1946, revert to and become a part of the General Expenditure Fund.

Ordered that said bill be printed and referred

To the Committee on Appropriations.

Mr. Quill moved that the House do now recess for fifteen minutes for the purpose of permitting the Committee on Appropriations to meet.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Quill of the Committee on Appropriations to which the same had been referred, reported a bill entitled:

H. B. 6-A. An Act appropriating sums for the various budget units and classes within and related to the Department of Education, etc.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Hammons moved that when the House adjourn, it adjourn to meet again on tomorrow at 8:00 p. m.

Said motion was agreed to.

Mr. Ennis moved that the privilege of the floor be extended to Mr. J. L. Landers of Bowling Green, Kentucky.

Said motion was agreed to.

The Clerk read the following communication to the House, viz.:

Mrs. L. D. Moore and Mr. and Mrs. Raymond Faulkner gratefully acknowledge and thank you for the flowers and your kind expression of sympathy.

The Speaker announced that he had referred bills previously introduced, as follows, viz.:

H. B. 3-A. To Committee on Appropriations.

H. B. 4-A. To Committee on Appropriations.

H. B. 5-A. To Committee on Appropriations.

Mr. Love moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JUNE 6, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the Methodist Church of Frankfort.

The roll was called and the following members answered to their names, viz:

Chas. W. Anderson	Douglas T. Bolling	Fred Carpenter
Henry Arrowood	J. C. Bradley	A. Roy Copeland
F. H. Bassett, Jr.	Jno. W. Burkhart	Marvin Cornett
W. G. Biggers	Chas. W. Burnley	John Henry Cox
Isaac Blevins	C. D. Call	John P. Craig

Fred Creasey
Thos. S. Dawson
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House, entitled:

H. Res. 8-A. Resolution endorsing Senator Alben W. Barkley for Vice-President of the United States.

Mr. Quill moved that when the House adjourns today it adjourn to meet again on tomorrow at 8:00 P. M.

Said motion was agreed to.

Mr. Swope moved that the privilege of the floor be extended to Mr. Truman A. Morris.

Said motion was agreed to.

Mr. Preston moved that when the House adjourn tonight it adjourn out of respect to the men in the United States Armed Forces who have taken part in D-Day.

Said motion was agreed to.

The House took up for consideration from the Calendar, a bill entitled:

H. B. 6-A. An Act appropriating for the various budget units and classes within the ralted to the Department of Education, etc.

Ordered that said bill be read the second time.

The Constitutional provision as to the second reading of said bill at length having been dispensed with, said bill was read the second time by its title only.

Ordered that said bill be placed in the Orders of the Day.

Mr. Love moved that the text of the President's prayer for the welfare of our armed forces and the nation be spread upon the Journal of the House.

Said motion was agreed to.

Said prayer is as follows, viz.:

My fellow Americans:

In this poignant hour, I ask you to join me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness to their faith.

They will need Thy blessings. Their road will be long and hard. The enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest, till the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violence of war.

These are men lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and good will among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters and brothers of brave men overseas whose thoughts and prayers are ever with them—help us, almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the

desire is great, I ask that our people devote themselves in continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, almighty God. Amen.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 6-A. Resolution entreating the Governor to amend his call for the present special session to include consideration of appropriation of funds for tuberculosis hospitals.

Mr. Swope moved that immediate consideration of said resolution be postponed and that said resolution retain its place in the Orders of the Day.

Said motion was agreed to.

Mr. J. Lee Moore moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JUNE 7, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Carson Reeves, member of this House.

The roll was called and the following members answered to their names, viz:

Chas. W. Anderson	John H. Clarke, Jr.	Dr. J. C. Gabbard
Henry Arrowood	A. Roy Copeland	Chas. B. Gentry
F. H. Bassett, Jr.	Marvin Cornett	Franklin Goins
W. G. Biggers	John Henry Cox	J. D. Gross
Isaac Blevins	John P. Craig	R. M. Hall
Douglas T. Bolling	Fred Creasey	Jas. P. Hallahan
J. C. Bradley	Thos. S. Dawson	Claude Hammons
Jno. W. Burkhart	Adron Doran	B. C. Holbrook
Chas. W. Burnley	J. R. Dorman	Benton Howard
C. D. Call	T. H. Dyer	Clyde S. Howard
Fred Carpenter	Bernie S. Edlin	Jerry F. Howell
Willis Champion	Harry W. Ennis	J. J. Huff

W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had adopted a resolution as follows, viz:

S. Res. 8. Whereas, on June 6 the Armed Forces of the United States of America together with those of her Allies, began an armed invasion of the continent of Europe to liberate nations and peoples of many countries who for four years have been living in servitude, and under the rule of a ruthless, harsh and heartless conqueror, and

Whereas, the aim and purpose of this invasion and the conflict that now rages on the beaches and in the fields of France is not only to restore liberty to peoples of the earth, and restore a permanent and lasting peace to the world, and

Whereas, the love, fears and hopes of the people of Kentucky and all the Nation are entwined and rest on the banners that lead the courageous men of Kentucky and America and the Allied Nations who are now carrying the War to the enemy's own homeland, and

Whereas, that upon the success of this invasion, and the ultimate victory in Europe, and the success of our men of arms and their allies depends that future peace and security of not only the world but of our own Democratic land and its institutions, now therefore

Be It Resolved, That the Senate of the State of Kentucky, the House of Representatives concurring, do hereby express the fullest and complete confidence in, and pledge our support to our Commander-in-Chief and President, Franklin Delano Roosevelt, and the Supreme Commander of all the Allied Forces, Dwight Eisenhower, and their Advisers, and

Be It Resolved, that the Senate and House also command and urge the fullest and closest cooperation of all the people of our beloved State and Nation with the military leaders who are now leading and directing the strategy of the fighting units of the Armies, Navies and Air Forces of our country and our allies, and

Be It Resolved, that this Senate and House of Representatives urge that this cooperation and support be given to the utmost and without stint—that victory may reward our efforts in the shortest possible time, and with the fewest possible casualties to our beloved fathers, sons, brothers and sweethearts who are in the ranks of our valiant fighting forces.

Be It Further Resolved, that a copy of this resolution be forwarded to our Commander-in-Chief, President Franklin Delano Roosevelt, and to the Supreme Commander of the Allied Forces, General Dwight Eisenhower, and a copy be spread upon the Journal of the Senate and House.

Ordered that said resolution be referred to the Committee on Ways and Means.

And that they had passed a bill which originated in the Senate, entitled:

S. B. 3. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, etc.

Said bill is as follows, viz:

AN ACT appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, including each of the various offices, departments, boards, commissions, institutions, and subdivisions of the State Government, and the purchase of record books as provided by Section 28.130 of the Kentucky Revised Statutes of 1942, judiciary and court costs, Confederate pensions, the Frankfort Cemetery, Jefferson, Kenton and Harlan County fees, and for defraying the expenses of all other State obligations for (a) the fiscal years ending June 30, 1945, and June 30, 1946, (b) the fiscal years of the Department of Highways ending March 31, 1945, and March 31, 1946; designating the sources and funds from which said appropriations are made, and providing for the establishment of certain revolving funds specifically mentioned and the investment of certain funds; providing for money refunds; prescribing certain powers and duties of the Commissioner of Finance, the Governor, the State Treasurer, and other public officials, insti-

tutions, boards, commissions and agencies with respect thereto; authorizing and empowering the Commissioner of Finance with the approval of the Governor to limit, restrict and supervise expenditures of all money appropriated herein and hereafter by the General Assembly in the First Extraordinary Session of 1944, and to reduce or adjust each of the appropriations in the manner herein provided; providing for certain appropriations to be limited to specific purposes and barring the use of appropriations for certain purposes; repealing all blanket and continuing appropriations not provided for in this Act and appropriations made by any previous Act or Acts of the General Assembly of the Commonwealth of Kentucky, and repealing all laws or parts of laws in conflict with any of the provisions of this Act; enacting each section and each sub-section as a separate or specific appropriation, and declaring an emergency to exist.

WHEREAS, the fiscal operations of the state government are so interdependent and interrelated that appropriations for any particular purpose or agency, or class or purposes or agencies, cannot be made without inevitably affecting the appropriations for other agencies and purposes, by reason of the fact that all appropriations for general governmental purposes are payable from the same Treasury Fund; and

WHEREAS, the interrelation and interdependence of appropriations are illustrated by the fact that the appropriations made by this Act for educational purposes and agencies represent an appropriation of approximately sixty-five percent of the revenues anticipated to be received into the General Expenditure Fund during the fiscal years 1944-1945 and 1945-1946, leaving only thirty-five percent of such revenues for the operations of all other state functions, and such appropriations for educational purposes and agencies, when added to the appropriations for other agencies which would be carried over by operation of section 45.120 of the Kentucky Revised Statutes

for such fiscal years if no appropriations should be made by this General Assembly for such other agencies, would cause the total appropriations to exceed the total revenues, with the result that the financial affairs of the state would be placed on an unsound basis and the budgetary system jeopardized; and

WHEREAS, appropriations for educational purposes or agencies, or for any other single purpose or agency, cannot be made without first ascertaining and determining the budgetary requirements of other agencies, in order to insure the availability of funds to meet the appropriation for such single purpose or agency.

NOW THEREFORE, the General Assembly hereby expressly finds that the proclamation of the Governor calling this extraordinary session, for the purpose of making appropriations for educational purposes and agencies, necessarily embraces the adjusting and fixing of the entire budgetary plan so as to enable the appropriations for educational purposes and agencies to be met according to a sound fiscal policy, and the entire fiscal operations of the state maintained with available funds properly allocated among the various agencies and purposes according to needs and the best welfare of the Commonwealth, and

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944, and ending June 30, 1945, and for the fiscal year beginning July 1, 1945, and ending June 30, 1946, and the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pen-

sions, Frankfort Cemetery, Jefferson, Kenton and Harlan County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

PART ONE

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation,

1944-1945	$ 5,000.00
1945-1946	$175,000.00

(b) *Legislative Council.* For ordinary recurring expenses of operation,

1944-1945	$ 200.00
1945-1946	$11,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency.

1944-1945	$250.00
1945-1946	$250.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation,

1944-1945	$1,000.00
1945-1946	$1,000.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945	$38,250.00
1945-1946	$38,250.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945	$17,500.00
1945-1946	$17,500.00

(c) *Judiciary Council.* For ordinary recurring expenses of operation,

1944-1945	$800.00
1945-1946	$800.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), Commission on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), and Commissions on Fines and Forfeitures,

1944-1945	$1,300,000.00
1945-1946	$1,300,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation,

1944-1945	$290,000.00
1945-1946	$290,000.00

(f) *Return of Fugitives from Justice.* For ordinary recurring expenses of operation in paying for return of fugitives from justice authorized by the Governor which have not been previously paid,

1944-1945	$4,500.00
1945-1946	$4,500.00

(g) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law,

1944-1945	$130,000.00
1945-1946	$130,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation

1944-1945	$20,500.00
1945-1946	$20,500.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation,

1944-1945	$4,000.00
1945-1946	$4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation,

1944-1945	$6,000.00
1945-1946	$6,000.00

(d) *Emergency Fund.*

General Emergency Fund. For meeting ordinary recurring and extra ordinary expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund,

1944-1945	$250,000.00
1945-1946	$250,000.00

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation,

1944-1945	$21,000.00
1945-1946	$21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation,

1944-1945	$1,200.00
1945-1946	$1,200.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation,

1944-1945	$46,300.00
1945-1946	$46,300.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligations in prosecuting in the interest of the State, as required by law,

1944-1945	$5,000.00
1945-1946	$5,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission,

1944-1945	$28,000.00
1945-1946	$12,000.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation,

1944-1945	$34,500.00
1945-1946	$34,500.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Custodian of Securities.* For ordinary recurring expenses and operation,

1944-1945	$600.00
1945-1946	$600.00

8. AUDITOR OF PUBLIC ACCOUNTS

Auditor of Public Accounts. For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public monies belonging to the State

1944-1945	$37,500.00
1945-1946	$37,500.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance including the administration of Confederate Pensions, and administration of Public Printing,

1944-1945	$155,000.00
1945-1946	$155,000.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation,

1944-1945	$130,000.00
1945-1946	$130,000.00

(c) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units,

1944-1945	$16,000.00
1945-1946	$16,000.00

(d) *Public Record Books. (Paper and Printing.)* For ordinary recurring expenses necessary in the purchase and replacement of public record books during the fiscal year as provided in KRS 28.130

1944-1945	$64,500.00
1945-1946	$64,500.00

(e) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required KRS 117.070

1944-1945	$500.00
1945-1946	$500.00

(f) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law,

1944-1945	$10,000.00
1945-1946	$10,000.00

(g) *Paper (Revolving Fund).* To be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units

1944-1945	$20,000.00
1945-1946	$20,000.00

(h) *Postage (Revolving Fund).* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units

1944-1945	$10,000.00
1945-1946	$10,000.00

(i) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter

1944-1945	$95,000.00
1945-1946	$95,000.00

(j) *New Lands and Buildings.* For capital outlay in the acquisition of lands and buildings, and the construction, reconstruction or repair of buildings, and fixtures appurtenant thereto, and for ordinary recurring expenses of the Department of Finance incident thereto,

1944-1945	$200,000.00
1945-1946	$200,000.00

10. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of various Divisions of the Department of Revenue

1944-1945	$350,000.00
1945-1946	$350,000.00

11. DEPARTMENT OF REVENUE
MISCELLANEOUS REVENUE AGENCIES

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation,

1944-1945	$351,000.00
1945-1946	$351,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation,

1944-1945	$18,000.00
1945-1946	$18,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation,

1944-1945	$500.00
1945-1946	$500.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation

1944-1945	$500.00
1945-1946	$500.00

(c) Presidential Electors.

1944-1945 Only	$700.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation,

1944-1945	$4,250.00
1945-1946	$4,250.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation,

1944-1945	$34,000.00
1945-1946	$34,000.00

(Of this amount $9,000.00 each year shall be earmarked to be expended exclusively in the operation of the Old Kentucky Home Park, Said Home to retain investments now existing for use and benefit of Old Kentucky Home.)

(c) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap Park,

1944-1945	$75,000.00
1945-1946	$75,000.00

(c-1) *J. G. Weisiger Memorial State Park Monument.* For erection of a monument,

1944-1945 only	$5,000.00

(d) *Division of Forestry.* For ordinary recurring expenses of operation,

1944-1945	$50,000.00
1945-1946	$50,000.00

(e) *Division of Publicity.* For ordinary recurring expenses of operation,

1944-1945	$17,500.00
1945-1946	$17,500.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation,

1944-1945	$16,000.00
1945-1946	$16,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation,

1944-1945	$60,500.00
1945-1946	$60,500.00

(c) *Division of Armories.* For ordinary recurring expenses of operation,

1944-1945	$42,000.00
1945-1946	$42,000.00

(d) *Kentucky Aeronautic Commission.* For ordinary recurring expenses of operation, including salary of Secretary and director,

1944-1945	$10,000.00
1945-1946	$10,000.00

(e) *Kentucky Active Militia.* For ordinary recurring expenses of operation,

1944-1945	$10,000.00
1945-1946	$10,000.00

(f) *Civil Defense.* For ordinary recurring expenses of operation,

1944-1945	$2,000.00
1945-1946	$2,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1944-1945	$47,500.00
1945-1946	$47,500.00

(It is the intention of the Legislature that this appropriation shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of each fiscal year, "Division of Markets," "Weights and Measures.")

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law

1944-1945	$20,000.00
1945-1946	$20,000.00

(It is the intention of the Legislature that this appropriation shall be applicable to the "Per Diem and Expenses of Board Members" and to expenses of the "Livestock Sanitary Division.")

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation,

1944-1945	$20,000.00
1945-1946	$20,000.00

(It is the intention of the Legislature that this money be used for the treatment of the disease and the paying for the diseased livestock and not for the purpose of paying administrative expenses.)

(d) *4-H Club and Future Farmer work.* For paying premiums for 4-H Club and Future Farmer Work and for the promotion and encouragement of 4-H Club and Future Farmer activities in Kentucky.

1944-1945	$5,000.00
1945-1946	$5,000.00

(e) *State Fair Board.*

(1) For per Diem and Expenses of Board Members,

1944-1945	$750.00
1945-1946	$750.00

(2) Premiums for State Fair

1944-1945	$45,000.00
1945-1946	$45,000.00

(3) Retiring a part of the M. & M. Building bonded indebtedness maturing

November 1, 1944	$14,000.00
November 1, 1945	$14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation

1944-1945	$21,400.00
1945-1946	$21,400.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health-General.* For ordinary recurring expenses of operation including laboratory services

1944-1945	$155,000.00
1945-1946	$155,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation,

1944-1945 ..... $2,500.00

1945-1946 ..... $2,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse Services,

1944-1945 ..... $350,000.00

1945-1946 ..... $350,000.00

(d) *Hazlewood Sanatorium.*

1. For ordinary recurring expenses of operation,

1944-1945 ..... $88,000.00

1945-1946 ..... $277,400.00

2. For extraordinary expenses of interest on Hazlewood Sanatorium bonds and Sinking Fund requirements,

1944-1945 ..... $13,000.00

1945-1946 ..... $13,000.00

(e) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation,

1944-1945 ..... $125,000.00

1945-1946 ..... $125,000.00

(f) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in KRS 215.320,

1944-1945 ..... $10,000.00

1945-1946 ..... $10,000.00

(g) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945	$7,500.00
1945-1946	$7,500.00

(h) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945	$7,500.00
1945-1946	$7,500.00

(i) *Kentucky Division of Women's Field Army of American Society for Control of Cancer.* For ordinary recurring expenses and for educational purposes in connection with control of cancer, for care of indigent cancer patients, and for control of cancer under supervision of State Board of Health,

1944-1945	$15,000.00
1945-1946	$15,000.00

17. DEPARTMENT OF WELFARE

(a) *Commissioner of Welfare.* For ordinary recurring expenses of operation of the charitable and penal institutions, Kentucky Children's Home and the administration of the Department of Welfare, including probation and parole,

1944-1945	$2,760,000.00
1945-1946	$2,760,000.00

(b) *Division of Public Assistance.* For ordinary expenses of operation and cooperation with the federal govern-

ment under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the federal regulation, and for the administration of Old Age Assistance, KRS 205.010 to 205.080, including the cost of printing checks for recipients of Public Assistance Program. Also, for administration of the Child Welfare Program and for the administration of the statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind."

1944-1945	$4,400,000.00
1945-1946	$4,400,000.00

(c) *Home for Incurables.* For ordinary recurring expenses of operation

1944-1945	$15,000.00
1945-1946	$15,000.00

(d) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation under the supervision of the Department of Welfare,

1944-1945	$4,000.00
1945-1946	$4,000.00

(e) *Conveyance of Lunatics.* For ordinary recurring expenses of operation,

1944-1945	$8,000.00
1945-1946	$8,000.00

(f) *Pauper Idiots.* For ordinary recurring expenses of operation,

1944-1945	$75,000.00
1945-1946	$75,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,

1944-1945	$67,500.00
1945-1946	$67,500.00

(b) *Division of Certification.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

(d) *State Textbook Commission.* For ordinary recuring expenses of operation,

1944-1945	$2,000.00
1945-1946	$500.00

(e) *Common School Per Capita Fund.* For the payment increase of the monthly salaries of teachers and for no other purpose

1944-1945	$13,361,062.37
1945-1946	$13,361,062.37

The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of the school year 1943-1944, including the salary supplement provided by the Deficiency Appropriation Act of 1944, except such reductions as may become necessary as the result of the decrease in the census which would require fewer teachers or a decline in local revenue in those districts levying the maximum ad valorem tax rate permitted by law. Any such reductions permitted shall be only for an amount which would be required to pay the number of teachers reduced and the decline in local revenue that would have been used for teaching services had no decline in local revenue occurred.

(f) *Interest on State School Bonds.* From interest on State School Bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of Common School per capita in item (e)

1944-1945	$138,937.63
1945-1946	$138,937.63

(g) *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the Board of Education,

1944-1945 ..... $1,500,000.00

1945-1946 ..... $1,500,000.00

(h) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3% of this appropriation may be used for administration,

1944-1945 ..... $500,000.00

1945-1946 ..... $500,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation,

1944-1945 ..... $250,000.00

1945-1946 ..... $250,000.00

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise,

1944-1945 ..... $61,000.00

1945-1946 ..... $61,000.00

(k) *Kentucky State College for Negroes.* For ordinary recurring expenses for operating a practice training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute,

1944-1945 ..... $42,000.00

1945-1946 ..... $42,000.00

(m) *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses of operation,

1944-1945	$48,250.00
1945-1946	$48,250.00

(n) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition of Negro students to get out of the State to obtain higher educational training,

1944-1945	$7,000.00
1945-1946	$7,000.00

(o) *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation,

1944-1945	$82,000.00
1945-1946	$82,000.00

(p) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation,

1944-1945	$9,300.00
1945-1946	$9,300.00

(q) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation,

1944-1945	$14,800.00
1945-1946	$14,800.00

(r) *Mayo State Vocational School.* For ordinary recurring expenses of operations,

1944-1945	$30,000.00
1945-1946	$30,000.00

(s) *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction,

1944-1945	$16,800.00
1945-1946	$16,800.00

(t) *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation,

1944-1945	$145,000.00
1945-1946	$145,000.00

(u) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation,

1944-1945	$9,000.00
1945-1946	$9,000.00

(v) *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed,

1944-1945	$799,000.00
1945-1946	$823,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation,

1944-1945	$1,026,300.00
1945-1946	$1,026,300.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation,

1944-1945	$26,400.00
1945-1946	$26,400.00

(c) *Summer School Session.* For ordinary recurring expenses of operation,

1944-1945	$11,000.00
1945-1946	$11,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation,

1944-1945	$33,000.00
1945-1946	$33,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary recurring expenses of administration.

1944-1945	$1,500.00
1945-1946	$1,500.00

(f) *For Extraordinary Expenses.*

1. Library Equipment

1944-1945	$11,000.00
1945-1946	$11,000.00

2. Scientific Laboratory Equipment

1944-1945	$22,000.00
1945-1946	$22,000.00

3. Engineering Equipment

1944-1945	$22,000.00
1945-1946	$22,000.00

4. Home Economics Equipment

1944-1945	$11,000.00
1945-1946	$11,000.00

(g) *Experiment Station.* For ordinary recurring expenses of operation,

1944-1945	$55,000.00
1945-1946	$55,000.00

(h) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products.

1944-1945	$7,500.00
1945-1946	$7,500.00

(i) *Research in Coal.*

1944-1945	$8,250.00
1945-1946	$8,250.00

(j) *Service Laboratories.* For ordinary recurring expenses of operation,

1944-1945	$23,100.00
1945-1946	$23,100.00

(k) *Nursery Inspection.* For ordinary recurring expenses of operation,

1944-1945	$2,000.00
1945-1946	$2,000.00

(l) *Princeton Sub-Station.* For ordinary recurring expenses of operation,

1944-1945	$17,600.00
1945-1946	$17,600.00

(m) *Quicksand Sub-Station.* For ordinary recurring expenses of operation,

1944-1945	$17,600.00
1945-1946	$17,600.00

(n) *Agricultural Extension Work.* For ordinary recurring expenses of operation,

1944-1945	$170,500.00
1945-1946	$170,500.00

(o) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in KRS 247.060,

1944-1945	$10,000.00
1945-1946	$10,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$280,000.00
1945-1946	$280,000.00

(b) *Morehead State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$234,000.00
1945-1946	$234,000.00

(c) *Murray State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$254,000.00
1945-1946	$254,000.00

(d) *Western Kentucky State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$365,000.00
1945-1946	$365,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation,

1944-1945	$10,300.00
1945-1946	$10,300.00

(b) *Law Library Books.* For ordinary recurring expenses of operation as provided for under KRS 171.110,

1944-1945	$3,500.00
1945-1946	$3,500.00

(c) *Library Sales Account—Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals,

1944-1945	$17,500.00
1945-1946	$17,500.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1944-1945	$1,000.00
1945-1946	$1,000.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation,

1944-1945	$20,000.00
1945-1946	$20,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1944-1945	$10,875.00
1945-1946	$10,875.00

22. DEPARTMENT OF BUSINESS REGULATIONS

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation,

1944-1945	$4,000.00
1945-1946	$4,000.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operations,

1944-1945	$45,000.00
1945-1946	$45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation,

1944-1945	$45,000.00
1945-1946	$45,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation,

1944-1945	$7,000.00
1945-1946	$7,000.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation,

1944-1945	$8,000.00
1945-1946	$8,000.00

(b) *Division of Wage Hours for Women and Minors.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services,

1944-1945	$35,000.00
1945-1946	$35,000.00

DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation,

1944-1945	$40,000.00
1945-1946	$40,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation,

1944-1945	$14,000.00
1945-1946	$14,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation,

1944-1945	$24,000.00
1945-1946	$24,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Overton Appropriation.*

1944-1945	$600.00
1945-1946	$600.00

(b) *Money refunded.* For refunding money paid to the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance,

1944-1945	$5,000.00
1945-1946	$5,000.00

(c) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1944-1945	$1,500.00
1945-1946	$1,500.00

(d) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1944-1945	$10,000.00
1945-1946	$10,000.00

(e) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. & M. bonds as provided by KRS 164.520,

1944-1945	$9,900.00
1945-1946	$9,900.00

(f) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1944-1945	$250.00
1945-1946	$250.00

(g) *Statutes and Codes for Courts.* For paying for replacements and purchases of statutes and codes for the Courts as provided in KRS 57.340,

1944-1945	$1,500.00
1945-1946	$1,500.00

(h) *Jefferson County Fees.* For paying various officials of Jefferson County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form

and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350.

1944-1945 .....The amount necessary

1945-1946 .....The amount necessary

(i) *Kenton County Fees.* For paying various officials of Kenton County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64,350.

1944-1945 .....The amount necessary

1945-1946 .....The amount necessary

(j) *Harlan County Fees.* For paying various officials of Harlan County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 .....The amount necessary

1945-1946 .....The amount necessary

(k) *Capital Outlays.* There hereby is appropriated out of the cash balance which will be in the State Treasury to the credit of the General Expenditure Fund at the end of the present biennium ending June 30, 1944, the sum of $5,300,000.00 for the following uses and purposes, to-wit:

(1) For acquiring lands, the construction of buildings, the reconstruction of buildings, the purchase and installation of equipment and furnishings for the buildings so constructed or reconstructed, which equipment and furnishings are of a permanent nature, for the following institutions, to-wit: The Western State Hospital, at Hopkinsville; Central State Hospital, at Lakeland; Eastern State Hospital, at Lexington; Kentucky Feeble-Minded Institute, at Frankfort; House of Reform at Greendale; School for the Deaf, at Danville; School for the Blind, at Louisville; a War Memorial Field House at the University of Ketnucky, Lexington; and the Hazlewood Sanatorium; and State Tuberculosis Sanatoriums to be established as provided in House Bill No. 147 of the 1944 regular Session of the General Assembly. Of the $5,300,000.00 herein appropriated, not less than $1,500,000.00 thereof shall be spent for the construction, equipment and furnishing of State Tuberculosis Sanatoriums.

The $5,300,000.00 herein appropriated shall be invested in United States Government Bonds on or before the 10th day of July, 1944, and said appropriation shall take precedence over any other appropriation or encumbrance made or authorized by this Act and shall constitute a withdrawal as of July 1, 1944, of $5,300.000.00 cash which will be in the State Treasury at the close of the current fiscal year which will end June 30, 1944. All interest which accrues on the Bonds purchased as herein directed shall be held, used and expended for the same purposes and only for the purposes for which the principal of said Bonds may be used.

It shall be the duty of the Commissioner of Finance and the State Treasurer to invest said $5,300.000.00 in United States Government Bonds, and it shall be the duty of the State Treasurer to safely hold and keep said Bonds for the uses and purposes herein provided. The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue,

the Commissioner of Welfare, and the Treasurer, may contract for capital improvements for any of the institutions hereinabove specified, and shall make direct approval of all expenditures from the appropriation herein made. Each of such contracts shall be awarded to the lowest and best bidder pursuant to competitive bids; and the Commissioner of Finance and the State Treasurer shall, from time to time, cash or sell a sufficient amount of the United States Government Bonds directed to be purchased out of the appropriation herein made to pay the estimates on such contracts awarded as herein provided, as and when such estimates become due.

None of the Bonds purchased as provided in this Act shall be cashed or sold except as and for the uses and purposes herein provided. Any part of this appropriation not expended during the biennial period beginning July 1, 1944, and ending June 30, 1946, shall not lapse, but shall continue until twenty-four months after a proclamation is issued by the President of the United States terminating the present National Emergency. Any balance of this appropriation which shall not have been expended or encumbered during the aforesaid biennium may be expended or encumbered at any time during such extended period for the uses and purposes and subject to the restrictions and limitations herein provided.

No part of this appropriation may be transferred for use or used for any other uses or purposes than those hereinabove expressly provided; and this appropriation may not be reduced by allotment or otherwise, except by expenditures made therefrom as hereinabove expressly provided.

PART TWO

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or

subdivisions of the State Government for the fiscal year ending June 30, 1945, and for the fiscal year ending June 30, 1946, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund out of which shall be established separate Revolving Fund Account for the use and benefit of each separate professional Board or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for betterment and ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such Professional Board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisitions. The total amount any agency may requisition from the Revolving Fund Account through the Department of Finance, shall not during the fiscal year ending June 30, 1945, nor during the fiscal year ending June 30, 1946, exceed the amount placed to the credit of the Revolving Fund for such year, out of which has been established a Revolving Fund Account for each separate agency during

such fiscal year, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceeding year, on or before September 30 of the current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under KRS 217.090 not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Corporations. All revenue received under KRS 271.030, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

(b) *Expenses of Federal Elections.* All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

AUDITOR OF PUBLIC ACCOUNTS

County Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070, and all other fees that may be received in connection with such examination.

DEPARTMENT OF FINANCE

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is now provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal Agency, as a reimbursement of any New Land and Building or Improvement Program which may be made applicable for use for said purpose or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under KRS 186.410.

Back Tax Section. (Delinquent Taxes). There shall be credited to this Revolving Fund such fees and revenues as are provided for by KRS 134.400.

DIVISION OF GAME AND FISH
DEPARTMENT OF CONSERVATION

Division of State Parks.

Division of Forestry.

Division of Publicity.

MILITARY DEPARTMENT

Industrial Peace Officers. All fees paid under KRS 61.360.

COMMISSIONER OF AGRICULTURE

Dog Law Enforcement.

Inspection—Stockyard Weighmen.

Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

Continuing Fund—Operation.

Construction Fund.

DEPARTMENT OF HEALTH

Department of Health—General Fund and Federal.

Hazlewood Sanatorium.

Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene.

Division of Corrections.

Division of Child Welfare.

Division of Public Assistance.

Metal Stamping Plant.

Welfare Construction Fund.

Children's Home Society—White.

DEPARTMENT OF EDUCATION

Any private or Federal Funds that may become available for use in connection with the Department.

Kentucky State College for Negroes.

West Kentucky Vocational Training School for Negroes.

Mayo State Vocational School.

State Board of Education—School Lunch Program.

State Board of Education—Investment Fund.

Kentucky School for the Deaf.

Workshop for the Adult Blind.

Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS' COLLEGE

Eastern Kentucky State Teachers College.

Morehead State Teachers College.

Murray State Teachers College.

Western Kentucky State Teachers College.

DEPARTMENT OF LIBRARY AND ARCHIVES

Kentucky Historical Society.

Stephenson Fund.

Library Extension Division.

State Board of Certification of Librarians.

DEPARTMENT OF BUSINESS REGULATIONS

1. *Division of Professional Regulations.*

State Board of Accountancy.

State Board of Examiners and Registration of Architects.

State Board of Barber and Beautician Examiners.

State Board of Chiropractic Examiners.

State Board of Dental Examiners.

State Board of Embalmers.

State Board of Pharmacy.

State Board of Pharmacy Prophylactic Enforcement.

State Board of Examiners of Trained Nurses.

State Board of Veterinary Examiners.

State Board of Bar Examiners.

Insurance Examiners Expense.

State Board of Professional Engineers.

Kentucky State Real Estate Commission.

2. *Division of Insurance Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar year 1944 and 1945, under KRS 136.360, and also an amount equal to twenty-five percent (25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of subscriptions (1) to (10) of KRS 296.320, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal years ending June 30, 1945, and June 30, 1946, respectively.

3. *Division of Insurance, Custodian of Securities.* The sums paid for expenses relating to the deposits of securities under KRS 297.350.

4. *Banking and Small Loans.* All revenue received by the Department in excess of the General Fund Appropriation shall be entitled to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

Division of Geology.

Division of Coal Mining.

All revenue received by the Division of Geology is hereby appropriated for ordinary and recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mines and examination of mine foremen is hereby appropriated for ordinary and recurring expenses of the Division.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by KRS 278.130 to 278.150, a sum of not more than $130,000.00 for each of the fiscal years ending June 30, 1945, and June 30, 1946.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

1. Workmen's Compensation Board, subject to the provisions of KRS 342.485.

2. Division of Unemployment Compensation,

3. Kentucky State Employment Service.

KENTUCKY AERONAUTICS COMMISSION
JEFFERSON COUNTY MASTER COMMISSIONER

MISCELLANEOUS

The Department of Finance is authorized to establish special suspense and clearing accounts pending final distribution of funds.

PART THREE

DEPARTMENT OF HIGHWAYS

(1) *State Road Fund.* There shall be established for the purpose of paying all cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1944, and ending March 31, 1945, and for the fiscal year beginning April 1, 1945, and ending March 31, 1946, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds of the State Highway Road Fund for each of the fiscal years ending March 31, 1945, and March 31, 1946, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $500,000.00.

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax and Tax on Other Motor Fuels.* There is hereby appropriated out of the State Road Fund to the Department of Revenue for each of the fiscal years ending June 30, 1945, and June 30 1946, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration

Tax, and the laws pertaining to Other Motor Fuels, the sum of $120,300.00.

(b) *Motor Transportation.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending June 30, 1945, and June 30, 1946, for the use of the Department of Business Regulation, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $60,000.00.

PART FOUR

1.

All receipts, fees, and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the State Government shall be covered into the State Treasury promptly, as provided by statute, through the Department of Finance and placed to the credit of the General Expenditure Fund, excepting those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution, or agency of the State Government shall be covered into the State Treasury promptly, as provided by statute, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any

officer, department, board commission, institution, and subdivision of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until allotted as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under section 4 "EXECUTIVE DEPARTMENT" Item (d) 1, Part One of this Act.

Whereas, a state of war exists in the United States, and the effect upon the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act, exclusive of appropriations out of the State Road Fund, and exclusive of revolving fund accounts, shall not exceed an amount equal to the amount of revenues collected and received into the treasury, and credited to the General Expenditure Fund, during the same fiscal year, and that there is appropriated out of the General Expenditure Fund for each fiscal year to meet the appropriations made by this Act, only such an amount as does not exceed the revenues actually collected and received into the General Fund during such year, exclusive of any unencumbered balance existing at the close of business

of the preceding fiscal year. However, in view of the present emergency which may materially affect revenue collections, there is hereby appropriated out of the unencumbered cash balance in the General Expenditure Fund as of the close of business on June 30, 1944, the sum of $3,319,050.00, which shall constitute an Emergency Expenditure Fund. The amount so appropriated shall be credited to such Emergency Expenditure Fund by the State Treasurer on July 1, 1944, and shall be held sacred and inviolate in such fund except for use as hereinafter provided. In the event it appears at any time during the fiscal year 1944-1945 that the revenues that will be received during that year will not be sufficient to meet the appropriations made by this Act for such year, then and in that event the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor, may allot any part or all of the Emergency Expenditure Fund, to the extent of such deficiency of revenue, but not to exceed $1,659,525.00, to the various budget units to which appropriations have been made, such allotment, in the event it shall be insufficient to meet all appropriations in full, to be prorated on an equal basis. If, after so using any portion or all of said $1,659,525.00 during such fiscal year, it develops that the revenues ultimately collected and received into the State Treasury during such fiscal year and credited to the General Expenditure Fund would have been sufficient to have made unnecessary the use of part or all of such Emergency Expenditure Fund, then an amount equal to the amount so used from such fund shall be replaced to the credit of the Emergency Expenditure Fund, out of such revenues. During the fiscal year 1945-1946, such sum as stands to the credit of the Emergency Expenditure Fund, including such sum as may have been replaced to the credit of the fund as above provided, shall be held sacred and inviolate, except that if it appears, at any time during such year, that the revenues that will be received during the year will not be sufficient to meet the appropriations made by this Act for such year, the Commissioner of Finance, with the advice of the Commissioner of Rev-

enue and with the approval of the Governor, may allot any part or all of such Expenditure Fund, to the extent of such anticipated deficiency of revenues, to the various budget units to which appropriations have been made, such allotments to be prorated on an equal basis if insufficient to meet all appropriations in full.

It is the intention of the General Assembly that the Emergency Expenditure Fund established under the preceeding paragraph of this Act shall be used for no other purpose than to meet deficiencies in revenue, as set forth in said preceding paragraph, and that an amount of cash equal to the amount appropriated to such fund shall be earmarked for such fund as of July 1, 1944. However, it is intended that advancements may be made out of the monies to the credit of such fund for necessary operating capital preliminary to meeting the general budgetary requirements of either or both of the fiscal years 1944-1945 and 1945-1946, such advancements to be repaid to the fund as soon as incoming revenues enable it to be done. Nothing in the preceding paragraph of this Act is intended to apply to the appropriations for capital outlay made in item (k) of section 26 of Part One of this Act.

As the conditions cannot be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues to be received into the General Fund cannot be fully determined at this time it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government and to ascertain the total revenues anticipated to be received into the General Expenditure Fund of the Commonwealth, and upon the ascertainment

and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general laws, is hereby authorized, empowered and directed by the Legislature to prevent expenditures in excess of the amounts made available by this Act for the purpose of meeting appropriations, by equitably reducing, according to the need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the neccessary constitutional functions of government.

3.

To carry out the purpose of this Act for the ensuing biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissioners, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1944, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commission of Finance.

Section 47.030 to 47.100, inclusive, of the Kentucky Revised Statutes of 1942, are repealed, and all continuing appropriations in existence at the time of this Act are hereby discontinued and repealed.

WHEREAS, the first fiscal year for which appropriations are made by this Act will commence on July 1, 1944, and it is essential that the appropriations made by this Act become effective at the beginning of such fiscal year, NOW, THEREFORE,

An emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

Ordered that said bill be printed and referred to the Committee on Appropriations.

Mr. Quill moved that the House do now recess for a period of fifteen minutes for the purpose of permitting the Committee on Appropriations to meet.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired the Speaker resumed the Chair and called the House to order.

Mr. Ennis moved that the privilege of the floor be extended to Judge Hammonds of Bowling Green, Kentucky.

Said motion was agreed to.

Mr. Dorman moved that Miss Ruth Gillespie of Lexington be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Quill moved that the Rules of this House be suspended for the purpose of allowing Committees to report.

Said motion was agreed to.

Thereupon, Mr. Quill of the Committee on Appropriations to which the same had been referred, reported a bill entitled:

S. B. 3. An Act appropriating money for the support, maintenance, operation and functioning of the State Government of the Commonwealth of Kentucky.

By Mr. Cox of the Committee on Ways and Means.

S. Res. 8. Resolution commending the Commander-in-chief, Franklin D. Roosevelt and the Supreme Commander of the Allied Forces, Dwight Eisenhower.

With the expression of opinion that said bill and resolution ought to pass.

Said bill and resolution were then read at length the first time and ordered to be placed on the Calendar.

Mr. J. Lee Moore moved that the Sergeant-at-Arms of this House be directed to deliver to the Clerk of the Jefferson County Court, a box of ballots filed with the Chief Clerk of this House in an election contest suit during the regular session of the General Assembly 1944.

Said motion was agreed to.

Mr. Hammons moved that when the House adjourn tonight, it adjourn to meet again on Friday at 10:00 A. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 6-A. An Act appropriating money for the operation of the various Divisions of the Department of Education.

Mr. Hammons moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Calendar, a resolution entitled:

S. Res. 8. Resolution commending the Commander-in-Chief and President, Franklin D. Roosevelt and the Supreme Commander of the Allied Armed Forces, Dwight Eisenhower.

(For resolution see Journal of today ante).

Said resolution was then concurred in.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JUNE 9, 1944

The House was opened with prayer by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the Methodist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	F. H. Bassett, Jr.	Isaac Blevins
Henry Arrowood	W. G. Biggers	Douglas T. Bolling

J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hammons moved that the privilege of the floor be extended to Mrs. Harold Miller and son, Harold, Jr., of Louisville, Kentucky.

Said motion was agreed to.

Mr. Ennis moved that the privilege of the floor be extended to Mr. Burges Robins of Rockcastle County.

Said motion was agreed to.

Mr. Biggers moved that the privilege of the floor be extended to Mr. Troy B. Sturgill and Billie Sturgill of Prestonsburg, Kentucky.

Said motion was agreed to.

Mr. Bassett moved that the Rules of this House be suspended and that a bill entitled:

H. B. 6-A. An Act appropriating funds for the various budget units and classes within the Department of Education.

Be taken up from the Orders of the Day, for immediate consideration.

Mr. J. Lee Moore moved that said bill be laid on the Clerk's Desk.

Mr. Hammons moved that said bill be made a Special Order of the Day, for Tuesday, June 13 at 2:00 P.M.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 3. An Act appropriating funds for the maintenance, operation and functioning of the State Government of the Commonwealth of Kentucky for the fiscal years 1944-45 and 1945-46.

(For bill see House Journal of June 7.)

Mr. Quill offered the following amendment to said bill, viz.:

Amend S. B. 3 by striking the figures $30,000.00 in line 91 and inserting in lieu thereof the figures $35,000.00, and by striking the figures $30,000.00 in line 92 and inserting in lieu thereof the figures $35,000.00

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Quill and Walters, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	R. M. Hall	Edw. P. Prichard
F. H. Bassett, Jr.	Clyde S. Howard	James E. Quill
Chas. W. Burnley	Paul S. Jonas	L. Allen Rhoads
C. D. Call	M. Kavanaugh	Vernon Seaton
Fred Carpenter	A. L. Love	Leon J. Shaikun
Jno. H. Clarke, Jr.	C. C. May	George T. Smith
A. Roy Copeland	Harry L. Moore	Geo. W. Steinford
John Henry Cox	H. C. Patterson	S. J. Wagner
John P. Craig	Chester Peterson	Speaker Harry Lee Waterfield
Fred Creasey	J. Gip Prather	
J. R. Dorman	L. W. Preston	
Franklin Goins	Kleber F. Price	—33

Those who voted in the negative were—

Henry Arrowood	Isaac Blevins	J. C. Bradley
W. G. Biggers	Douglas T. Bolling	Jno. W. Burkhart

Willis Champion	H. Clay Kauffman	Amos Runyon
Marvin Cornett	G. M. Knuckles	Carl Scheben
Adron Doran	J. T. Linton	F. W. Schuhmann
T. H. Dyer	Homer E. Losey	Jno. W. Simmons
Bernie S. Edlin	Pearl McKinney	Robt. J. Spaulding
Harry W. Ennis	Ed Marcum	E. A. Spencer
Dr. J. C. Gabbard	Johnston Miller	Arthur Stallard
Chas. B. Gentry	Herbert V. Moore	Joe Stewart
J. D. Gross	J. Lee Moore	Thos. M. Swope
Jas. P. Hallahan	W. B. Moser	C. W. Taylor
Claude Hammons	C. Sid Nabb	Egbert V. Taylor
B. C. Holbrook	Coy C. Nevitt	Roy L. Taylor
Benton Howard	Jno. C. Newcomb	H. Thieman, Jr.
Jerry F. Howell	Joe E. Nunn	Otis C. Thomas
J. J. Huff	Albert W. Pfeiffer	E. B. Thompson
W. N. Hughes	Sylvester Phillips	John L. Trumbo
W. H. Hunt	James T. Philpott	Harry F. Walters
Lee Johnson	C. R. Reeves	R. E. West
Wm. E. Justice	Wade H. Riley	Taylor Witt

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Mr. Quill offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 18, Section H line 48 by removing the following figures $500,000.00 and adding in lieu thereof the following $300,000.00.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Kauffman and J. Lee Moore, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	C. D. Call	Jno. H. Clarke, Jr.
Chas. W. Burnley	Fred Carpenter	J. R. Dorman

R. M. Hall	James E. Quill	Harry F. Walters
M. Kavanaugh	Leon J. Shaikun	Speaker Harry
J. Gip Prather	Geo. W. Steinford	Lee Waterfield
Edw. P. Prichard	S. J. Wagner	—16

Those who voted in the negative were—

Chas. W. Anderson	Jerry F. Howell	Kleber F. Price
Henry Arrowood	J. J. Huff	C. R. Reeves
W. G. Biggers	W. N. Hughes	L. Allen Rhoads
Isaac Blevins	W. H. Hunt	Wade H. Riley
Douglas T. Bolling	Lee Johnson	H. G. Royalty
J. C. Bradley	Wm. E. Justice	Amos Runyon
Jno. W. Burkhart	H. Clay Kauffman	Carl Scheben
Willis Champion	G. M. Knuckles	F. W. Schuhmann
A. Roy Copeland	J. T. Linton	Jno. W. Simmons
Marvin Cornett	Homer E. Losey	George T. Smith
John Henry Cox	A. L. Love	Robt. J. Spaulding
John P. Craig	Ed Marcum	E. A. Spencer
Fred Creasey	C. C. May	Arthur Stallard
Adron Doran	Johnston Miller	Joe Stewart
T. H. Dyer	Harry L. Moore	Thos. M. Swope
Bernie E. Edlin	Herbert V. Moore	C. W. Taylor
Harry W. Ennis	J. Lee Moore	Egbert V. Taylor
Dr. J. C. Gabbard	W. B. Moser	Roy L. Taylor
Chas. B. Gentry	C. Sid Nabb	H. Thieman, Jr.
Franklin Goins	Coy C. Nevitt	Otis C. Thomas
J. D. Gross	Jno. C. Newcomb	E. B. Thompson
Jas. P. Hallahan	Joe E. Nunn	John L. Trumbo
Claude Hammons	Albert W. Pfeiffer	R. E. West
B. C. Holbrook	Sylvester Phillips	Taylor Witt
Benton Howard	James T. Philpott	
Clyde S. Howard	L. W. Preston	—76

Mr. Quill offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 16, section 18-A, lines 3 and 4 by removing the following figures $67,500.00 and adding in lieu thereof the following $60,000.00 as these figures appear in lines 3 and 4.

Said amendment was disagreed to.

Mr. Shaikun offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 20 Section (U) lines 104 and 105 by striking the figures $9,000.00 in line 104 and inserting in lieu thereof the figures $10,000.00,

And by striking the figures $9,000.00 in line 105 and inserting in lieu thereof the figures $10,000.00.

Said amendment was disagreed to.

Mr. Prichard offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 28, line 80 by adding at the end of present line 80 on page 28, the following:

"And, of the $5,300,000.00 herein appropriated, not less than $600,000.00 thereof shall be spent for the construction, equipment and furnishing of a War Memorial Field House at the University of Kentucky, Lexington."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Prichard and Burnley, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	Fred Carpenter
F. H. Bassett, Jr.	C. D. Call	Jno. H. Clarke, Jr.

A. Roy Copeland
John Henry Cox
Fred Creasey
J. R. Dorman
Franklin Goins
R. M. Hall
Clyde S. Howard
Paul S. Jonas
A. L. Love
Harry L. Moore
W. B. Moser
C. Sid Nabb
H. C. Patterson
Chester Peterson
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
H. G. Royalty
Leon J. Shaikun
Geo. W. Steinford
Harry F. Walters
Speaker Harry Lee Waterfield

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Those who voted in the negative were—

Henry Arrowood
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Willis Champion
Marvin Cornett
John P. Craig
Adron Doran
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Herbert V. Moore
J. Lee Moore
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
James E. Quill
C. R. Reeves
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
R. E. West
Taylor Witt

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Mr. J. Lee Moore moved the Previous Question on the bill and all pending amendments filed at the Clerk's Desk.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Creasey offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 17 Section 18(#) of part one, line 33 by adding, after the word "occurred" in line 33, the following:

"Nor shall the State Board of Education approve any such budget or salary schedule which, as respects the use of money received from the Common School Per Capita Fund or the Equalization Fund, covers a longer school term than the school term held during the school year 1943-44."

Said amendment was withdrawn by Mr. Creasy in words as follows, viz.:

On Monday night, June 5, I made a speech to the House of Representatives, involving the principle in this amendment. I feel that most of you are familiar with its contents and for that reason I will not dwell upon the subject very long. This amendment prohibits the Board of Education from using State Per Capita Funds for the purpose of extending school terms, and confines the Board of Education to apply all the increase provided by this Act and the Deficiency Act of 1944, to their salaries, based on the number of months taught in 1943-44. The Senate adopted an amendment offered by Hon. Garvey Davis of Campbell County which was intended and supposed to have corrected this fault. My interpretation of this Senate Amendment was that it did not, which brought forth many opinions to the contrary from House members, and men connected with the State Department of Education. To prove my honesty and sincerity in this matter, and my desire not

to delay action on this bill, I will leave my grievance up to the honesty and integrity of the State Board of Education to fulfill the intent of this said amendment.

Mr. J. Lee Moore moved that the remarks made by Mr. Creasey when withdrawing his amendment, be spread upon the House Journal.

Said motion was agreed to.

Mr. Burnley offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 6, Section 4 (d), Part One, lines 12 through 18, by striking out lines 12 through 18 on page 6.

Said amendment was disagreed to.

Mr. Wagner offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 18 Section (M) lines 70 & 71 by striking the figures $48,250.00 in line 70 and inserting in lieu thereof the figures $44,000.00,

And by striking the figures $48,250.00 in line 71 and inserting in lieu thereof the figures $44,000.00.

Said amendment was disagreed to.

Mr. Love offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 25, Part One, lines 8 and 9 by striking out the figures in line 8 of $35,000.00 and inserting the figures $25,000.00,

And by striking in line 9 the figures $35,000.00 and inserting the figures $25,000.00

Without objection, said amendment was withdrawn by Mr. Love.

Mr. Love offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 36, Part One, line 31 by striking out the figures $2,000,000.00 and inserting therefor the figures $3,000,000.00.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Love and Shaikun, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	R. M. Hall	Kleber F. Price
F. H. Bassett, Jr.	Clyde S. Howard	Edw. P. Prichard
J. C. Bradley	A. L. Love	Wade H. Riley
Chas. W. Burnley	C. C. May	H. G. Royalty
Fred Carpenter	W. B. Moser	Amos Runyon
Jno. H. Clarke, Jr.	C. Sid Nabb	Leon J. Shaikun
A. Roy Copeland	Joe E. Nunn	Jno. W. Simmons
John Henry Cox	H. C. Patterson	George T. Smith
Fred Creasey	Chester Peterson	Geo. W. Steinford
J. R. Dorman	J. Gip Prather	Joe Stewart
Franklin Goins	L. W. Preston	Harry F. Walters

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Those who voted in the negative were—

Henry Arrowood	Douglas T. Bolling	Willis Champion
W. G. Biggers	Jn. W. Burkhart	Marvin Cornett
Isaac Blevins	C. D. Call	John P. Craig

Adron Doran	H. Clay Kauffman	C. R. Reeves
T. H. Dyer	M. Kavanaugh	Carl Scheben
Bernie S. Edlin	G. M. Knuckles	F. W. Schuhmann
Harry W. Ennis	J. T. Linton	Vernon Seaton
Dr. J. C. Gabbard	Homer E. Losey	Robt. J. Spaulding
Chas. B. Gentry	Pearl McKinney	E. A. Spencer
J. D. Gross	Ed Marcum	Arthur Stallard
Jas. P. Hallahan	Johnston Miller	Thos. M. Swope
Claude Hammons	Harry L. Moore	C. W. Taylor
B. C. Holbrook	Herbert V. Moore	Egbert V. Taylor
Benton Howard	J. Lee Moore	H. Thieman, Jr.
Jerry F. Howell	Coy C. Nevitt	Otis C. Thomas
W. N. Hughes	Jno. C. Newcomb	E. B. Thompson
W. H. Hunt	Albert W. Pfeiffer	John L. Trumbo
Lee Johnson	Sylvester Phillips	S. J. Wagner
Paul S. Jonas	James T. Philpott	R. E. West
Wm. E. Justice	James E. Quill	Taylor Witt

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Mr. Anderson offered the following amendment to said bill, viz.:

Amend S. B. 3 on page 16, section 17 (d) lines 24 and 25 by striking the figures $4,000.00 in each of said lines and inserting in lieu thereof the figures $5,000.00.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Anderson and Burnley, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	A. Roy Copeland	A. L. Love
F. H. Bassett, Jr.	John Henry Cox	Harry L. Moore
Chas. W. Burnley	Fred Creasey	H. C. Patterson
Fred Carpenter	R. M. Hall	Chester Peterson

J. Gip Prather	Leon J. Shaikun	Geo. W. Steinford
Kleber F. Price	George T. Smith	Taylor Witt
Edw. P. Prichard	E. A. Spencer	—20

Those who voted in the negative were—

Henry Arrowood	Clyde S. Howard	Sylvester Phillips
W. G. Biggers	Jerry F. Howell	James T. Philpott
Isaac Blevins	J. J. Huff	James E. Quill
Douglas T. Bolling	W. N. Hughes	C. R. Reeves
J. C. Bradley	W. H. Hunt	H. G. Royalty
Jno. W. Burkhart	Lee Johnson	Amos Runyon
C. D. Call	Paul S. Jonas	Carl Scheben
Willis Champion	Wm. E. Justice	F. W. Schuhmann
Jno. H. Clarke, Jr.	H. Clay Kauffman	Vernon Seaton
Marvin Cornett	M. Kavanaugh	Jno. W. Simmons
John P. Craig	G. M. Knuckles	Robt. J. Spaulding
Adron Doran	J. T. Linton	Arthur Stallard
J. R. Dorman	Homer E. Losey	Joe Stewart
T. H. Dyer	Pearl McKinney	Thos. M. Swope
Bernie S. Edlin	Ed Marcum	C. W. Taylor
Harry W. Ennis	C. C. May	Egbert V. Taylor
Dr. J. C. Gabbard	Johnston Miller	Roy L. Taylor
Chas. B. Gentry	Herbert V. Moore	H. Thieman, Jr.
Franklin Goins	J. Lee Moore	Otis C. Thomas
J. D. Gross	W. B. Moser	E. B. Thompson
Jas. P. Hallahan	C. Sid Nabb	John L. Trumbo
Claude Hammons	Coy C. Nevitt	R. E. West
B. C. Holbrook	Jno. C. Newcomb	
Benton Howard	Albert W. Pfeiffer	—70

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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Resolved that the title thereof be as aforesaid.

Mr. Love moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Without objection, said motion was withdrawn by Mr. Love.

Mr. Shaikun moved that the House do now recess until 8:00 P.M. for the purpose of reconvening and adjourning sine die.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Shaikun and Love, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	R. M. Hall	H. G. Royalty
Jno. W. Burkhart	Paul S. Jonas	Leon J. Shaikun
Chas. W. Burnley	J. T. Linton	Joe Stewart
C. D. Call	A. L. Love	Egbert V. Taylor
Jno. H. Clarke, Jr.	H. C. Patterson	Roy L. Taylor
A. Roy Copeland	L. W. Preston	S. J. Wagner
John Henry Cox	Edw. P. Prichard	Harry F. Walters

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Those who voted in the negative were—

Chas. W. Anderson	John P. Craig	Chas. B. Gentry
Henry Arrowood	Fred Creasey	J. D. Gross
W. G. Biggers	Adron Doran	Jas. P. Hallahan
Isaac Blevins	J. R. Dorman	Claude Hammons
Douglas T. Bolling	T. H. Dyer	B. C. Holbrook
Fred Carpenter	Bernie S. Edlin	Benton Howard
Willis Champion	Harry W. Ennis	Clyde S. Howard
Marvin Cornett	Dr. J. C. Gabbard	Jerry F. Howell

J. J. Huff	W. B. Moser	Vernon Seaton
W. N. Hughes	C. Sid Nabb	Jno. W. Simmons
W. H. Hunt	Coy C. Nevitt	George T. Smith
Lee Johnson	Jno. C. Newcomb	Robt. J. Spaulding
Wm. E. Justice	Chester Peterson	E. A. Spencer
H. Clay Kauffman	Albert W. Pfeiffer	Arthur Stallard
M. Kavanaugh	Sylvester Phillips	Geo. W. Steinford
G. M. Knuckles	James T. Philpott	Thos. M. Swope
Homer E. Losey	Kleber F. Price	C. W. Taylor
Pearl McKinney	James E. Quill	H. Thieman, Jr.
Ed Marcum	C. R. Reeves	Otis C. Thomas
C. C. May	L. Allen Rhoads	E. B. Thompson
Johnston Miller	Wade H. Riley	John L. Trumbo
Harry L. Moore	Amos Runyon	R. E. West
Herbert V. Moore	Carl Scheben	Taylor Witt
J. Lee Moore	F. W. Schuhmann	—71

Mr. Quill moved that the House do now adjourn to meet again on Monday, June 12 at 8:00 P.M.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JUNE 12, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Northern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	W. G. Biggers	Fred Carpenter
Henry Arrowood	Isaac Blevins	Jno. H. Clarke, Jr.
F. H. Bassett, Jr.	Douglas T. Bolling	John Henry Cox

Adron Doran
J. R. Dorman
T. H. Dyer
Harry W. Ennis
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
Homer E. Losey
A. L. Love
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a resolution which originated in this House entitled:

H. Res. 9-A. Resolution for the benefit of the widow of the late L. D. Moore.

With amendments thereto as proposed and adopted by the Senate.

(For resolution see House Journal of June 2)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

1. Amend H. Res. 9-A in Senate by striking therefrom the third paragraph and inserting in lieu thereof the following:

"Whereas, if he had been permitted to serve in the present Special Extraordinary Session of the General Assembly he would have received as per diem the sum of $10.00 for each legislative day of said Special Extraordinary Session as a member thereof, and"

2. Amend H. Res. 9-A in Senate by striking therefrom paragraph 9 and inserting in lieu thereof the following:

"Be It Resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the special extra legislative session fund an amount equal to $10.00 for each and every legislative day of said session, up to and including the date of sine die adjournment, to be paid to Mrs. Sarah Stephens Moore, widow of L. D. Moore, and the Commissioner of Finance is hereby directed to draw his warrant upon the Treasurer in favor of the said Mrs. Sarah Stephens Moore in an amount equal to the payment of $10.00 per diem for each and every legislative day of said Special Extraordinary Session of the General Assembly."

Said amendments were each concurred in.

Said resolution was then adopted, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	M. Kavanaugh	Wade H. Riley
F. H. Bassett, Jr.	G. M. Knuckles	Amos Runyon
Douglas T. Bolling	J. T. Linton	Carl Scheben
J. C. Bradley	Homer E. Losey	F. W. Schuhmann
Willis Champion	A. L. Love	Leon J. Shaikun
A. Roy Copeland	Pearl McKinney	Jno. W. Simmons
Marvin Cornett	Johnston Miller	Faust Y. Simpson
John P. Craig	Harry L. Moore	George T. Smith
J. R. Dorman	Herbert V. Moore	Robt. J. Spaulding
T. H. Dyer	J. Lee Moore	E. A. Spencer
Bernie S. Edlin	W. B. Moser	Arthur Stallard
Dr. J. C. Gabbard	C. Sid Nabb	Thos. M. Swope
Franklin Goins	Coy C. Nevitt	C. W. Taylor
J. D. Gross	Albert W. Pfeiffer	Egbert V. Taylor
Jas. P. Hallahan	Sylvester Phillips	Roy L. Taylor
Claude Hammons	James T. Philpott	H. Thieman, Jr.
B. C. Holbrook	J. Gip Prather	E. B. Thompson
Benton Howard	L. W. Preston	John L. Trumbo
J. J. Huff	Kleber F. Price	Harry F. Walters
W. N. Hughes	E. P. Prichard	R. E. West
Lee Johnson	James E. Quill	Taylor Witt
Paul S. Jonas	C. R. Reeves	Speaker Harry
Wm. E. Justice	L. Allen Rhoads	Lee Waterfield

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Mr. Hammons moved that the vote by which said resolution was adopted, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

Mr. McKinney moved that the privilege of the floor be extended to Mr. L. A. Demumbrun of Brownsville, Kentucky.

Said motion was agreed to.

Mr. Wagner moved that the privilege of the floor be extended to Mr. John M. Hunnicutt, former member of this House.

Said motion was agreed to.

Mr. Rhoads moved that the privilege of the floor be extended to Misses Vera Beckham and Louise Combs.

Said motion was agreed to.

Mr. Swope moved that the privilege of the floor be extended to Mrs. Harry McMullin.

Said motion was agreed to.

Mr. Huff raised the point that the House Journal shows that he voted in the affirmative on Amendments Nos. 10 and 11 to Senate Bill No. 3 which was passed by the House on June 9. He stated that he voted in the negative on both amendments and asked the unanimous consent of the House to have the House Journal show that he voted in the negative rather than the affirmative on both amendments.

Without objection, said request was granted.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill and resolution entitled:

S. B. 3. An Act appropriating funds for the maintenance, operation and functioning of the State Government for the fiscal years 1944-45 and 1945-46.

H. Res. 9-A. Resolution for the benefit of the widow of the late L. D. Moore.

Thereupon all other business was suspended, said bill and resolution were read at length and compared in open session and found to be correctly enrolled and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the bill which originated in the Senate be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver the resolution which originated in this House to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said resolution duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Quill moved that the House do now recess for fifteen minutes.

Mr. West moved that the House do now recess for thirty minutes.

The motion as made by Mr. West was disagreed to.

The motion as made by Mr. Quill was then agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Hammons moved that the Clerk of this House be directed to write a letter of congratulations to Simps Ramsey, a Confederate Veteran of Parnell, Wayne County, Kentucky on his one hundredth birthday.

Said motion was agreed to.

A message was received from the Senate announcing that the following had been named as a Committee to deliver Senate Bill No. 3 to the Governor, viz.:

Kenneth G. Tuggle, Lieutenant Governor and President of the Senate, Senators Earle Clements and Lige Moore,

And requesting that a like Committee be appointed on the part of the House to act in conjunction with the Committee on the part of the Senate.

Mr. J. Lee Moore moved that the Speaker do now appoint a Committee on the part of the House to act in conjunction with the Committee on the part of the Senate, and deliver said bill to the Governor, of which The Honorable Harry Lee Waterfield, Speaker, shall be Chairman ex-officio.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. J. Lee Moore and James Quill as members of said Committee.

Mr. Quill offered the following resolution, viz.:

H. Res. 11-A. Be It Resolved by the House of Representatives of the General Assembly of Kentucky, the Senate concurring therein, when this General Assembly adjourns today, it adjourn sine die.

Said resolution was agreed to.

Mr. Quill moved that the Speaker of this House be authorized and directed to appoint a Committee to wait upon the Senate and inform that body that the House has now completed the business before it and request that the Senate appoint a like Committee to act in conjunction with the House Committee and wait upon the Governor and inform him that the House and Senate, composing the General Assembly of Kentucky convened in Extraordinary Session, have completed the business before them and are now ready to adjourn sine die, and to inquire whether the Governor has any further communication to make.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Egbert Taylor, J. Lee Moore, Quill and Hammons as members constituting said Committee.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House, entitled:

H. Res. 11-A. Resolution for sine die adjournment.

Mr. Quill of the Committee heretofore appointed to act in conjunction with a like Committee on the part of the Senate and wait upon the Governor, reported that they had discharged the duties imposed upon them and that they had been informed by His Excellency, the Governor of the Commonwealth of Kentucky, that he had no further communication to make.

The Journals of the House were then approved by the House.

And then the House adjourned sine die.

Approved:

Harry Lee Waterfield,
Speaker of the House

Attest:

Brooks L. Hargrove,
Chief Clerk of the House

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

EXTRAORDINARY SESSION, 1944

MONDAY, JUNE 12, 1944

At a Special Session of the General Assembly of the Commonwealth of Kentucky, begun and held at the Capitol in the city of Frankfort, Kentucky on Monday, June 12, one thousand nine hundred and forty-four and the one hundred and fifty-second year of the Commonwealth, in accordance and in obedience to a proclamation issued by the Governor of the Commonwealth on June 12, 1944, as hereinafter set out, the House of Representatives was called to order by The Honorable Harry Lee Waterfield, Speaker of the House of Representatives and was opened with prayer by the Reverend Carson Reeves, member of the House.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood
F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Willis Champion
A. Roy Copeland
Marvin Cornett
John P. Craig
Thos. S. Dawson
J. R. Dorman
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
A. L. Love
Pearl McKinney
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
H. C. Patterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

It appearing that a majority of all the members of the House are present, the following proclamation was read by Brooks L. Hargrove, Clerk of the House, viz.:

PROCLAMATION

by the

GOVERNOR

of the

COMMONWEALTH OF KENTUCKY

To All To Whom These Presents Shall Come:

WHEREAS, the extraordinary session of the General Assembly of Kentucky, which was called pursuant to proclamation of the Governor on May 19, 1944, has duly enacted a bill appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, including appropriations for the various offices, departments, boards, commissions, institutions, and sub-divisions of the State Government, and for the Department of Highways, and designating the sources and funds from which said appropriations are made, more fully set forth in Senate Bill No. 3, passed unanimously by the Senate and by the House; and

WHEREAS, the original proclamation specified particularly the purpose of the special session as being for the sole purpose of making appropriations for education and for the different educational funds; and

WHEREAS, some doubt has arisen as to the validity of the appropriations made for public purposes other than for the schools; and

WHEREAS, it is the desire of the executive and legislative departments that said bill shall be valid in all respects and that said appropriations so made are necessary and proper for the carrying on of the State Government;

THEREFORE, in consideration of the facts and conditions mentioned, and by virtue of the power vested in me by the Constitution of the State to convene the General Assembly of the Commonwealth of Kentucky in extraordinary session, I Simeon Willis, Governor of the Commonwealth of Kentucky do hereby issue this proclamation convening the General Assembly of Kentucky in extraordinary session at the seat of government, Frankfort, Kentucky, at 11:30 o'clock P.M. on the 12th day of June, 1944, for the purpose of passing an act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, including each of the various offices, departments, boards, commissions, institutions, and subdivision of the State Government, and the purchase of record books as provided by Section 28.130 of the Kentucky Revised Statutes of 1942, judiciary and court costs, Confederate pensions, the Frankfort Cemetery, Jefferson, Kenton and Harlan County fees, and for defraying the expenses of all other State obligations for (a) the fiscal years ending June 30, 1945, and June 30, 1946 (b) the fiscal years of the Department of Highways ending March 31, 1945, and March 31, 1946; designating the sources and funds from which said appropriations are made, and providing for the establishment of certain revolving funds and the investment of certain funds; providing for money refunds; prescribing certain powers and duties of the Commissioner of Finance, the Governor, the State Treasurer, and other public officials, institutions, boards, commissions and agencies with respect thereto; and providing for funds for the State Tuberculosis Board; authorizing and empowering the Commissioner of Finance with the approval of the Governor to limit, restrict and supervise expenditures of all money appropriated by the General Assembly in the second Extraordinary Session of 1944, and to reduce or adjust each of the appropriations; to provide for certain appropriations to be limited to specific purposes and barring the use of appropriations for certain purposes; repealing all blanket and continuing appropriations and

appropriations made by any previous Act or Acts of the General Assembly of the Commonwealth of Kentucky, and repealing all laws or parts of laws in conflict with any of the provisions of such Act; enacting each section and each sub-section as a separate or specific appropriation.

You will therefore assemble in accordance with this proclamation at the seat of Government at Frankfort, Kentucky, in extraordinary session on the day and date above written to act upon the subjects herein named and only said subjects.

Given under my hand, this 12th day of June, 1944, by the Governor.

Simeon Willis
Governor

Chas. O'Connell
Secretary of State

Mr. Quill offered the following resolution, viz.:

Be It Resolved by the House of Representatives:

That the Rules governing the House of Representatives during the Special Session just past, be, and the same are, hereby adopted as the Rules of this House for the Second Extraordinary Session of 1944.

Said resolution was adopted.

Mr. Quill offered the following resolution, viz.:

Be It Resolved by the House of Representatives, That a Committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized in Special Session and ready to proceed to

the transaction of business and that said Committee shall in conjunction with a like Committee to be appointed from the Senate, wait upon the Governor and inform him that this Special Session of the General Assembly is now organized and ready to receive any communication he may have to make.

Said resolution was adopted.

Thereupon the Speaker appointed Messrs. Howard, Swope, Prather, Linton, Bassett and Spaulding as members constituting said Committee.

Mr. Quill offered the following resolution, viz.:

Be It Resolved by the House of Representatives, That all elected officers of the House of Representatives, who were elected or appointed in the First Special Session of the 1944 General Assembly, be and they are hereby continued in their respective offices for this 1944 Special Session.

Be It Further Resolved, That the Speaker of the House of Representatives be and he is hereby empowered to appoint such additional employees as he may deem necessary.

Said resolution was adopted.

Mr. Quill offered the following resolution, viz.:

Be It Resolved by the House of Representatives, That the Sergeant-at-Arms be directed to invite the pastors of the various churches of Frankfort, Kentucky to be present and open the meetings of this Special Session of the General Assembly, with prayer.

Said resolution was adopted.

Mr. Quill moved that the House do now adjourn to meet again on Wednesday, June 14, at 2:00 P.M.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JUNE 14, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul Stauffer of the First Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Fred Carpenter
Willis Champion
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Thomas S. Dawson
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
G. M. Knuckles
J. T. Linton
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Chester Peterson
Albert W. Pfeiffer
James T. Philpott
J. Gip Prather
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Egbert V. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of Monday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had adopted resolutions and passed a bill which originated in that body, entitled:

S. Res. 6. Resolution appropriating additional compensation for officers and employees of the Senate and House.

S. Res. 6. WHEREAS, the General Assembly deems the compensation of the officers and employees of the Senate and the House of Representatives, as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate for the proper functioning of the business of the Senate and the House during the Second 1944 Extraordinary Session,

Said resolution is as follows, viz.:

Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant at Arms, Doorkeeper, Cloakroom-keeper, Janitor and Pages, to that compensation as provided for in Chapter 88 of the Acts of the General Assembly of 1936, the sum of One Hundred Dollars ($100.00) per diem, effective beginning with the first day of the Second 1944 Extraordinary Session, for each body, for the duration of the Second 1944 Extraordinary Session.

Sec. 2. That the aforesaid amount shall be prorated among the aforenamed constitutional officers and employees,

according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

Sec. 3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the abovementioned amounts, and that the Clerk of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the abovementioned officers and employees as provided in Chapter 88 of the Acts of the General Assembly of 1936.

Whereas, it is necessary that this additional compensation be received by the officers and employees of the Second 1944 Extraordinary Session in order to expedite properly the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

S. Res. 7. Resolution appropriating money for the General Assembly of the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

S. Res. No. 7. A Joint Resolution appropriating money for the General Assembly of the Commonwealth of Kentucky for the fiscal year of 1943-1944, and declaring an emergency to exist.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund for the payment of salaries and other necessary expenses of the General Assembly for the fiscal year 1943-1944 the sum of Twenty Thousand Dollars ($20,000.00).

Section 2. Whereas, the funds heretofore appropriated for the 1944 General Assembly of the Commonwealth of Kentucky are exhausted, an emergency is declared to exist and this resolution shall become effective immediately upon its passage and approval by the Governor.

S. Res. 8. Resolution appropriating money for the ministers.

Said resolution is as follows, viz.:

A JOINT RESOLUTION providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the Extraordinary Session of the General Assembly.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of Three Hundred Dollars ($300.00) is hereby appropriated out of the Legislative Session Fund, to be paid in equal amounts to the ministers of Frankfort, Kentucky, performing the duties of chaplain in the House of Representatives and Senate of Kentucky for the Extraordinary Session of the General Assembly.

That the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives shall certify this Resolution to

the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts to be designated by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives.

WHEREAS, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this resolution shall take effect from and after its passage and approval by the Governor.

S. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

AN ACT appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, including each of the various offices, departments, boards, commissions, institutions, and subdivisions of the State Government, and the purchase of record books as provided by Section 28.130 of the Kentucky Revised Statutes of 1942, judiciary and court costs, Confederate Pensions, the Frankfort Cemetery, Jefferson, Kenton and Harlan County fees, and for defraying the expenses of all other State obligations for (a) the fiscal years ending June 30, 1945, and June 20, 1946, (b) the fiscal years of the Department of Highways ending March 31, 1945, and March 31, 1946; designating the sources and funds from which said appropriations are made, and providing for the establishment of certain revolving funds specifically mentioned and the investment of certain funds; providing for money refunds; prescribing cer-

tain powers and duties of the Commissioner of Finance, the Governor, the State Treasurer, and other public officials, institutions, boards, commissions and agencies with respect thereto; authorizing and empowering the Commissioner of Finance with the approval of the Governor to limit, restrict and supervise expenditures of all money appropriated herein and hereafter by the General Assembly in the Second Extraordinary Session of 1944, and to reduce or subject each of the appropriations in the manner herein provided; providing for certain appropriations to be limited to specific purposes and barring the use of appropriations for certain purposes; repealing all blanket and continuing appropriations not provided for in this Act and appropriations made by any previous Act or Acts of the General Assembly of the Commonwealth of Kentucky, and repealing all laws or parts of laws in conflict with any of the provisions of this Act; enacting each section and each sub-section as a separate or specific appropriation, and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944, and ending June 30, 1945, and for the fiscal year beginning July 1, 1945, and ending June 30, 1946, and the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson, Kenton and Harlan County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provision of Chapters 12, 42 and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those

listed in Parts Two and Three of this Budget Act, for the following purposes:

PART ONE

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation.

1944-1945	$ 5,000.00
1945-1946	$175,000.00

(b) *Legislative Council.* For ordinary recurring expenses of operation,

1944-1945	$ 200.00
1945-1946	$ 11,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency,

1944-1945	$ 250.00
1945-1946	$ 250.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation,

1944-1945	$ 1,000.00
1945-1946	$ 1,000.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945	$ 38,250.00
1945-1946	$38,250.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945	$ 17,500.00
1945-1946	$ 17,500.00

(c) *Judiciary Council.* For ordinary recurring expenses of operation,

1944-1945	$ 800.00
1945-1946	$ 800.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), Commission on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerk's Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), and Commissions on Fines and Forfeitures,

1944-1945	$1,300,000.00
1945-1946	$1,300,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation,

1944-1945	$290,000.00
1945-1946	$290,000.00

(f) *Return of Fugitives from Justice.* For ordinary recurring expenses of operation in paying for return of fugitives from justice authorized by the Governor which have not been previously paid,

1944-1945 ..... $ 4,500.00

1945-1946 ..... $ 4,500.00

(g) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law,

1944-1945 ..... $130,000.00

1945-1946 ..... $130,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 20,500.00

1945-1946 ..... $ 20,500.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 4,000.00

1945-1946 ..... $ 4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation,

1944-1945 ..... $ 6,000.00

1945-1946 ..... $ 6,000.00

(d) *Emergency Fund.*

General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund. It is the intention of the General Assembly that any expenditures required to be made by or on behalf of the State during either of the fiscal years 1944-1945 or 1945-1946, to carry out the provisions of House Bill No. 255 of the regular session of the 1944 General Assembly, relating to absentee voting in Federal elections, shall be paid from this fund:

1944-1945	$250,000.00
1945-1946	$250,000.00

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation,

1944-1945	$ 21,000.00
1945-1946	$ 21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation,

1944-1945	$ 1,200.00
1945-1946	$ 1,200.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation,

1944-1945	$ 46,300.00
1945-1946	$ 46,300.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerk's Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligations in prosecuting in the interest of the State, as required by law.

1944-1945	$ 5,000.00
1945-1946	$ 5,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission,

1944-1945	$ 28,000.00
1945-1946	$ 12,000.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation,

1944-1945	$ 34,500.00
1945-1946	$ 34,500.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Custodian of Securities.* For ordinary recurring expenses of operation,

1944-1945	$ 600.00
1945-1946	$ 600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Acounts.* For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public monies belonging to the State,

1944-1945 ..... $ 37,500.00

1945-1946 ..... $ 37,500.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance including the administration of Confederate Pensions, and administration of Public Printing,

1944-1945 ..... $155,000.00

1945-1946 ..... $155,000.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation,

1944-1945 ..... $130,000.00

1945-1946 ..... $130,000.00

(c) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units,

1944-1945 ..... $ 16,000.00

1945-1946 ..... $ 16,000.00

(d) *Public Record Books. (Paper and Printing.)* For ordinary recurring expenses necessary in the purchase and replacement of public record books during the fiscal year as provided in KRS 28.130,

1944-1945 ..... $ 64,500.00

1945-1946 ..... $ 64,500.00

(e) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required in KRS 117.070,

1944-1945 ..... $ 500.00

1945-1946 ..... $500.00

(f) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law,

1944-1945 ..... $ 10,000.00

1945-1946 ..... $ 10,000.00

(g) *Paper. (Revolving Fund.)* To be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units,

1944-1945 ..... $ 20,000.00

1945-1946 ..... $ 20,000.00

(h) *Postage. (Revolving Fund.)* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units.

1944-1945 ..... $ 10,000.00

1945-1946 ..... $ 10,000.00

(i) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter,

1944-1945 ..... $ 95,000.00

1945-1946 ..... $ 95,000.00

(j) *New Lands and Buildings.* For capital outlay in the acquisition of lands and buildings, and the construction, reconstruction or repair of buildings, and fixtures appurtenant thereto, and for ordinary recurring expenses of the Department of Finance incident thereto.

1944-1945 ..... $200,000.00

1945-1946 ..... $200,000.00

10. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of various Divisions of the Department of Revenue,

1944-1945 ..... $350,000.00

1945-1946 ..... $350,000.00

11. DEPARTMENT OF REVENUE

MISCELLANEOUS REVENUE AGENCIES

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation,

1944-1945 ..... $351,000.00

1945-1946 ..... $351,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation,

1944-1945	$ 18,000.00
1945-1946	$ 18,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation,

1944-1945	$500.00
1945-1946	$500.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation,

1944-1945	500.00
1945-1946	$500.00

(c) *Presidential Electors.*

1944-1945 only	$700.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation,

1944-1945	$4,250.00
1945-1946	$4,250.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation,

1944-1945	$34,000.00
1945-1946	$34,000.00

(Of this amount $9,000.00 each year shall be earmarked to be expended exclusively in the operation of the Old Kentucky Home Park. Said Home to retain investments now existing for use and benefit of Old Kentucky Home.)

(c) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap Park,

1944-1945 ..... $75,000.00

1945-1946 ..... $75,000.00

(d) *J. G. Weisiger Memorial State Park Monument.* For erection of monument,

1944-1945 only $5,000.00

(e) *Division of Forestry.* For ordinary recurring expenses of operation,

1944-1945 ..... $50,000.00

1945-1946 ..... $50,000.00

(f) *Division of Publicity.* For ordinary recurring expenses of operation,

1944-1945 ..... $17,500.00

1945-1946 ..... $17,500.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation,

1944-1945 ..... $16,000.00

1945-1946 ..... $16,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation,

1944-1945 ..... $60,500.00

1945-1946 ..... $60,500.00

(c) *Division of Armories.* For ordinary recurring expenses of operation,

1944-1945 ..... $42,000.00

1945-1946 ..... $42,000.00

(d) *Kentucky Aeronautics Commission.* For ordinary recurring expenses of operation, including salary of Secretary and Director,

1944-1945 ..... $10,000.00

1945-1946 ..... $10,000.00

(e) *Kentucky Active Militia.* For ordinary recurring expenses of operation,

1944-1945 ..... $10,000.00

1945-1946 ..... $10,000.00

(f) *Civil Defense.* For ordinary recurring expenses of operation,

1944-1945 ..... $2,000.00

1945-1946 ..... $2,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1944-1945	$47,500.00
1945-1946	$47,500.00

(It is the intention of the Legislature that this appropriation shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of each fiscal year, "Division of Markets", "Weights and Measures".)

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law,

1944-1945	$20,000.00
1945-1946	$20,000.00

(It is the intention of the Legislature that this appropriation shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitary Division.")

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation,

1944-1945	$20,000.00
1945-1946	$20,000.00

(It is the intention of the Legislature that this money is to be used for the treatment of the disease and the paying for the diseased livestock and not for the purpose of paying administrative expenses.)

(d) *4-H Club and Future Farmer Work.* For paying premiums for 4-H Club and Future Farmer Work and for the promotion and encouragement of 4-H Club and Future Farmer activities in Kentucky,

1944-1945 ..... $5,000.00

1945-1946 ..... $5,000.00

(e) State Fair Board.

(1) For per diem and expenses of Board members,

1944-1945 ..... $750.00

1945-1946 ..... $750.00

(2) Premiums for State Fair,

1944-1945 ..... $45,000.00

1945-1946 ..... $45,000.00

(3) Retiring a part of the M. & M. Building bonded indebtedness maturing,

November 1, 1944 ..... $14,000.00

November 1, 1945 ..... $14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation,

1944-1945 ..... $21,400.00

1945-1946 ..... $21,400.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health-General.* For ordinary recurring expenses of operation including laboratory services,

1944-1945 ..... $155,000.00

1945-1946 ..... $155,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation,

1944-1945 ..... $2,500.00

1945-1946 ..... $2,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse Services,

1944-1945 ..... $350,000.00

1945-1946 ..... $350,000.00

(d) *Hazelwood Sanatorium.*

(1) For ordinary recurring expenses of operation,

1944-1945 ..... $88,000.00

1945-1946 ..... $277,400.00

(2) For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements,

1944-1945 ..... $13,000.00

1945-1946 ..... $13,000.00

(e) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation,

1944-1945 ..... $125,000.00

1945-1946 ..... $125,000.00

(f) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in KRS 215.320,

1944-1945 ..... $10,000.00

1945-1946 ..... $10,000.00

(g) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945 ..... $7,500.00

1945-1946 ..... $7,500.00

(h) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945 ..... $7,500.00

1945-1946 ..... $7,500.00

(i) *Kentucky Division of Women's Field Army of American Society for Control of Cancer.* For ordinary recurring expenses and for educational purposes in connection with control of cancer, for care of indigent cancer patients, and for control of cancer under supervision of State Board of Health,

1944-1945 ..... $15,000.00

1945-1946 ..... $15,000.00

17. DEPARTMENT OF WELFARE

(a) *Commissioner of Welfare.* For ordinary recurring expenses of operation of the charitable and penal institutions, Kentucky Children's Home and the administration of the Department of Welfare, including probation and parole,

1944-1945 ..... $2,760,000.00

1945-1946 ..... $2,760,000.00

(b) *Division of Public Assistance.* For ordinary expenses of operation and cooperation with the Federal Government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the Federal regulation, and for the administration of Old Age Assistance, KRS 205.010 to 205.080, including the cost of printing checks for recipients of Public Assistance Program; also, for administration of the Child Welfare Program and for the administration of the statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind",

1944-1945 ..... $4,400,000.00

1945-1946 ..... $4,400,000.00

(c) *Home for Incurables.* For ordinary recurring expenses of operation,

1944-1945 ..... $15,000.00

1945-1946 ..... $15,000.00

(d) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation under the supervision of the Department of Welfare,

1944-1945 ..... $4,000.00

1945-1946 ..... $4,000.00

(e) *Conveyance of Lunatics.* For ordinary recurring expenses of operation,

1944-1945 ..... $8,000.00

1945-1946 ..... $8,000.00

(f) *Pauper Idiots.* For ordinary recurring expenses of operation,

1944-1945 ..... $75,000.00

1945-1946 ..... $75,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,

1944-1945 ..... $67,500.00

1945-1946 ..... $67,500.00

(b) *Division of Certification.* For ordinary recurring expenses of operation,

1944-1945 ..... $15,000.00

1945-1946 ..... $15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation,

1944-1945	$2,000.00
1945-1946	$500.00

(e) *Common School Per Capita Fund.* For the payment and increase of the monthly salaries of teachers and for no other purpose,

1944-1945	$13,361,062.37
1945-1946	$13,361,062.37

The State Board of Education is directed to approve no budget or salary schedule for a local board of education for the school years 1944-1945 and 1945-1946 in which the amount budgeted for teachers' salaries is reduced below that of the school year 1943-1944, including the salary supplement provided by the deficiency Appropriation Act of 1944, except such reductions as may become necessary as the result of the decrease in the census which would require fewer teachers or a decline in local revenue in those districts levying the maximum ad valorem tax rate permitted by law. Any such reductions permitted shall be only for an amount which would be required to pay the number of teachers reduced and the decline in local revenue that would have been used for teaching services had no decline in local revenue occurred.

(f) *Interest on State School Bonds.* From interest on State School Bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of common school per capita in item (e)

1944-1945 ..... $138,937.63

1945-1946 ..... $138,937.63

(g) *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education,

1944-1945 ..... $1,500,000.00

1945-1946 ..... $1,500,000.00

(h) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3% of this appropriation may be used for administration,

1944-1945 ..... $500,000.00

1945-1946 ..... $500,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation,

1944-1945 ..... $250,000.00

1945-1946 ..... $250,000.00

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise,

1944-1945 ..... $61,000.00

1945-1946 ..... $61,000.00

(k) *Kentucky State College for Negroes.* For ordinary recurring expenses of operation,

1944-1945 ..... $150,000.00

1945-1946 ..... $150,000.00

(l) *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute,

1944-1945 ..... $42,000.00

1945-1946 ..... 42,000.00

(m) *West Kentucky Vocational Training School for Negroes.* For ordinary recurring expenses of operation,

1944-1945 ..... $48,250.00

1945-1946 ..... $48,250.00

(n) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training,

1944-1945 ..... $7,000.00

1945-1946 ..... $7,000.00

(o) *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation,

1944-1945 ..... $82,000.00

1945-1946 ..... $82,000.00

(p) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation,

1944-1945 ..... $9,300.00

1945-1946 ..... $9,300.00

(q) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation,

1944-1945 ..... $14,800.00

1945-1946 ..... $14,800.00

(r) *Mayo State Vocational School.* For ordinary recurring expenses of operation,

1944-1945 ..... $30,000.00

1945-1946 ..... $30,000.00

(s) *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction,

1944-1945 ..... $16,800.00

1945-1946 ..... $16,800.00

(t) *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation,

1944-1945 ..... $145,000.00

1945-1946 ..... $145,000.00

(u) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation,

1944-1945 ..... $9,000.00

1945-1946 ..... $9,000.00

(v) *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed,

1944-1945 ..... $799,000.00

1945-1946 ..... $823,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation,

1944-1945 ..... $1,026,300.00

1945-1946 ..... $1,026,300.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation,

1944-1945 ..... $26,400.00

1945-1946 ..... $26,400.00

(c) *Summer School Session.* For ordinary recurring expenses of operation,

1944-1945 ..... $11,000.00

1945-1946 ..... $11,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation,

1944-1945 ..... $33,000.00

1945-1946 ..... $33,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary recurring expenses of administration,

1944-1945 ..... $1,500.00

1945-1946 ..... $1,500.00

(f) *For Extraordinary Expenses.*

1. Library Equipment

1944-1945 ..... $11,000.00

1945-1946 ..... $11,000.00

2. Scientific Laboratory Equipment

1944-1945 ..... $22,000.00

1945-1946 ..... $22,000.00

3. Engineering Equipment

1944-1945 ..... $22,000.00

1945-1946 ..... $22,000.00

4. Home Economics Equipment

1944-1945 ..... $11,000.00

1945-1946 ..... $11,000.00

(g) *Experiment Station.* For ordinary recurring expenses of operation,

1944-1945 ..... $55,000.00

1945-1946 ..... $55,000.00

(h) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products,

1944-1945 ..... $7,500.00

1945-1946 ..... $7,500.00

(i) *Research in Coal.*

1944-1945 ..... $8,250.00

1945-1946 ..... $8,250.00

(j) *Service Laboratories.* For ordinary recurring expenses of operation,

1944-1945 ..... $23,100.00

1945-1946 ..... $23,100.00

(k) *Nursery Inspection.* For ordinary recurring expenses of operation,

1944-1945 ..... $2,000.00

1945-1946 ..... $2,000.00

(l) *Princeton Sub-station.* For ordinary recurring expenses of operation,

1944-1945 ..... $17,600.00

1945-1946 ..... $17,600.00

(m) *Quicksand Sub-station.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 17,600.00

1945-1946 ..... $ 17,600.00

(n) *Agricultural Extension Work.* For ordinary recurring expenses of operation,

1944-1945 ..... $170,500.00

1945-1946 ..... $170,500.00

(o) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in KRS 247.060,

1944-1945 ..... $ 10,000.00

1945-1946 ..... $ 10,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers' College.* For ordinary recurring expenses of operation,

1944-1945 ..... $280,000.00

1945-1946 ..... $280,000.00

(b) *Morehead State Teachers' College.* For ordinary recurring expenses of operation.

1944-1945 ..... $234,000.00

1945-1946 ..... $234,000.00

(c) *Murray State Teachers' College.* For ordinary recurring expenses of operation.

1944-1945 ..... $254,000.00

1945-1946 ..... $254,000.00

(d) *Western Kentucky State Teachers' College.* For ordinary recurring expenses of operation,

1944-1945 ..... $365,000.00

1945-1946 ..... $365,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 10,300.00

1945-1946 ..... $ 10,300.00

(b) *Law Library Books.* For ordinary recurring expenses of operation as provided for under KRS 171.110,

1944-1945 ..... $ 3,500.00

1945-1946 ..... $ 3,500.00

(c) *Library Sales Account—Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals,

1944-1945 ..... $ 17,500.00

1945-1946 ..... $ 17,500.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 1,000.00

1945-1946 ..... $ 1,000.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 20,000.00

1945-1946 ..... $ 20,000.00

(f) Kentucky State Historical Society. For ordinary recurring expenses of operation,

1944-1945 ..... $ 10,875.00

1945-1946 ..... $ 10,875.00

22. DEPARTMENT OF BUSINESS REGULATIONS

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 4,000.00

1945-1946 ..... $ 4,000.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation,

1944-1945	$ 45,000.00
1945-1946	$ 45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation,

1944-1945	$ 45,000.00
1945-1946	$ 45,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation,

1944-1945	$ 7,000.00
1945-1946	$ 7,000.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation,

1944-1945	$ 8,000.00
1945-1946	$ 8,000.00

(b) *Division of Wage Hours for Women and Minors.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services,

1944-1945	$ 35,000.00
1945-1946	$ 35,000.00

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 40,000.00

1945-1946 ..... $ 40,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 14,000.00

1945-1946 ..... $ 14,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation,

1944-1945 ..... $ 24,000.00

1945-1946 ..... $ 24,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Overton Appropriation.*

1944-1945 ..... $ 600.00

1945-1946 ..... $ 600.00

(b) *Money Refunded.* For refunding money paid to the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except

by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance,

1944-1945 ..... $ 5,000.00

1945-1946 ..... $ 5,000.00

(c) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1944-1945 ..... $ 1,500.00

1945-1946 ..... $ 1,500.00

(d) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1944-1945 ..... $ 10,000.00

1945-1946 ..... $ 10,000.00

(e) *Interest on Land Grant Bonds.* For payment of interest semiannually on A. & M. bonds as provided by KRS 164.520,

1944-1945 ..... $ 9,900.00

1945-1946 ..... $ 9,900.00

(f) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1944-1945 ..... $ 250.00

1945-1946 ..... $ 250.00

(g) *Statutes and Codes for Courts.* For paying for replacements and purchases of statutes and codes for the Courts as provided in KRS 57.340,

1944-1945 ..... $ 1,500.00

1945-1946 ..... $ 1,500.00

(h) *Jefferson County Fees.* For paying various officials of Jefferson County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 ..... The amount necessary

1945-1946 ..... The amount necessary

(i) *Kenton County Fees.* For paying various officials of Kenton County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 ..... The amount necessary

1945-1946 ..... The amount necessary

(j) *Harlan County Fees.* For paying various officials of Harlan County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commis-

sioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 .....The amount necessary

1945-1946 .....The amount necessary

(k) *Capital Outlays.* There hereby is appropriated out of the cash balance which will be in the State Treasury to the credit of the General Expenditure Fund at the end of the present biennium ending June 30, 1944, the sum of $5,300,000.00 for the following uses and purposes, to-wit:

(1) For acquiring lands, the construction of buildings, the reconstruction of buildings, the purchase and installation of equipment and furnishings for the buildings so constructed or reconstructed, which equipment and furnishings are of a permanent nature, for the following institutions, to-wit: The Western State Hospital, at Hopkinsville; Central State Hospital, at Lakeland; Eastern State Hospital, at Lexington; Kentucky Feeble-Minded Institute, at Frankfort; House of Reform, at Greendale; School for the Deaf, at Danville; School for the Blind, at Louisville; a War Memorial Field House at the University of Kentucky, Lexington; the Hazelwood Sanatorium; and State Tuberculosis Sanatoriums to be established as provided in House Bill No. 147 of the 1944 Regular Session of the General Assembly. Of the $5,300,000.00 herein appropriated, not less than $1,500,000.00 thereof shall be spent for the construction, equipment and furnishing of State Tuberculosis Sanatoriums.

The $5,300,000.00 herein appropriated shall be invested in United States Government Bonds on or before the 10th day of July, 1944, and said appropriation shall take precedence over any other appropriation or encumbrance made or authorized by this Act and shall constitute a withdrawal as of July 1, 1944, of $5,300,000.00 cash which will be in the State Treasury at the

close of the current fiscal year which will end June 30, 1944. All interest which accrues on the Bonds purchased as herein directed shall be held, used and expended for the same purposes and only for the purposes for which the principal of said Bonds may be used.

It shall be the duty of the Commissioner of Finance and the State Treasurer to invest said $5,300,000.00 in United States Government Bonds, and it shall be the duty of the State Treasurer to safely hold and keep said Bonds for the uses and purposes herein provided. The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the Treasurer, may contract for capital improvements for any of the institutions hereinabove specified, and shall make direct approval of all expenditures from the appropriation herein made. Each of such contracts shall be awarded to the lowest and best bidder pursuant to competitive bids; and the Commissioner of Finance and the State Treasurer shall, from time to time, cash or sell a sufficient amount of the United States Government Bonds directed to be purchased out of the appropriation herein made to pay the estimates on such contracts awarded as herein provided, as and when such estimates become due.

None of the Bonds purchased as provided in this Act shall be cashed or sold except as and for the uses and purposes herein provided. Any part of this appropriation not expended during the biennial period beginning July 1, 1944, and ending June 30, 1946, shall not lapse, but shall continue until twenty-four months after a proclamation is issued by the President of the United States terminating the present National Emergency. Any balance of this appropriation which shall not have been expended or encumbered during the aforesaid biennium may be expended or encumbered at any time during such extended period for the uses and purposes and subject to the restrictions and limitations herein provided.

No part of this appropriation may be transferred for use or used for any other uses or purposes than those hereinabove expressly provided; and this appropriation may not be reduced by allotment or otherwise, except by expenditures made therefrom as hereinabove expressly provided.

PART TWO

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1945, and for the fiscal year ending June 30, 1946, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund out of which shall be established separate Revolving Fund Account for the use and benefit of each separate professional board or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for betterment and ordinary recurring expenses of operation properly approved by the Department of Finance,

Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisitions. The total amount any agency may requisition from the Revolving Fund Account through the Department of Finance, shall not during the fiscal year ending June 30, 1945, nor during the fiscal year ending June 30, 1946, exceed the amount placed to the credit of the Revolving Fund for such year, out of which has been established a Revolving Fund Account for each separate agency during such fiscal year, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30 of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under KRS 217.090 not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Corporations. All revenue received under KRS 271.030, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Expenses of Federal Elections. All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

AUDITOR OF PUBLIC ACCOUNTS

County Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070, and all other fees that may be received in connection with such examinations.

DEPARTMENT OF FINANCE

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is now provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal Agency, as a reimbursement of any New Land and Building or Improvement Program which may be made applicable for use for said purposes or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under KRS 186.410.

Back Tax Section. (Delinquent Taxes). There shall be credited to this Revolving Fund such fees and revenues as are provided for by KRS 134.400.

DIVISION OF GAME AND FISH

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry.
Division of Publicity.

MILITARY DEPARTMENT

Industrial Peace Officers. All fees paid under KRS 61.360.

COMMISSIONER OF AGRICULTURE

Dog Law Enforcement.
Inspection—Stockyard Weighmen.
Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

Continuing Fund—Operation.
Construction Fund.

DEPARTMENT OF HEALTH

Department of Health—General and Federal.
Hazelwood Sanatorium.
Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene.
Division of Corrections.
Division of Child Welfare.
Division of Public Assistance.
Metal Stamping Plant.
Welfare Construction Fund.
Children's Home Society—White.

DEPARTMENT OF EDUCATION

Any private or Federal Funds that may become available for use in connection with the Department.

Kentucky State College for Negroes.
West Kentucky Vocational Training School for Negroes.
Mayo State Vocational School.

State Board of Education—School Lunch Program.
State Board of Education—Investment Fund.
Kentucky School for the Deaf.
Workshop for the Adult Blind.
Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS' COLLEGES

Eastern Kentucky State Teachers' College.
Morehead State Teachers' College.
Murray State Teachers' College.
Western Kentucky State Teachers' College.

DEPARTMENT OF LIBRARY AND ARCHIVES

Kentucky Historical Society.
Stephenson Fund.
Library Extension Division.
State Board of Certification of Librarians.

DEPARTMENT OF BUSINESS REGULATIONS

1. *Division of Professional Regulations.*

State Board of Accountancy.
State Board of Examiners and Registration of Architects.
State Board of Barber and Beautician Examiners.
State Board of Chiropractic Examiners.
State Board of Dental Examiners.
State Board of Embalmers.
State Board of Pharmacy.
State Board of Pharmacy Prophylactic Enforcement.

State Board of Examiners of Trained Nurses.
State Board of Veterinary Examiners.
State Board of Bar Examiners.
Insurance Examiners Expense.
State Board of Professional Engineers.
Kentucky State Real Estate Commission.

2. *Division of Insurance Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1944 and 1945, under KRS 136.360, and also an amount equal to twenty-five per cent (25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of subsections (1) to (10) of KRS 296.320, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal years ending June 30, 1945, and June 30, 1946, respectively.

3. *Division of Insurance, Custodian of Securities.* The sums paid for expenses relating to the deposits of securities under KRS 297.350.

4. *Banking and Small Loans.* All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

Division of Geology.
Division of Coal Mining.

All revenue received by the Division of Geology is hereby appropriated for ordinary and recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foremen is hereby appropriated for ordinary and recurring expenses of the Division.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by KRS 278.130 to 278.150, a sum of not more than $130,000.00 for each of the fiscal years ending June 30, 1945, and June 30, 1946.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

1. Workmen's Compensation Board, subject to the provisions of KRS 342.485.

2. Division of Unemployment Compensation.

3. Kentucky State Employment Service.

KENTUCKY AERONAUTICS COMMISSION
JEFFERSON COUNTY MASTER COMMISSIONER

MISCELLANEOUS

The Department of Finance is authorized to establish special suspense and clearing accounts pending final distribution of funds.

PART THREE

DEPARTMENT OF HIGHWAYS

(1) *State Road Fund.* There shall be established for the purpose of paying all cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1944, and ending March 31, 1945, and for the fiscal year beginning April 1, 1945, and end-

ing March 31, 1946, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized frrom taxes now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal years ending March 31, 1945, and March 31, 1946, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(2) *Division of Administration.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1945, and March 31, 1946, for ordinary recurring administrative expenses of operation, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1945, and March 31, 1946, to be used by the Division of Rural Highways, for the improvement, reconstruction and maintenance of county roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be expended in accordance with KRS 179.410 to 179.430, the sum of $2,000,000.00. (Of this amount, not more than 10 percent may be used for Administrative purposes for Rural Highway Division in the Highway Department. When the funds hereby appropriated have been allocated to the respective counties as provided by KRS

179.410, any unexpended balance remaining to the credit of any county from appropriations of previous years shall be carried forward and added to the allocation of the current year for each county.

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Highway Road Fund for each of the fiscal years ending March 31, 1945, and March 31, 1946, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $500,000.00.

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax and Tax on Other Motor Fuels.* There is hereby appropriated out of the State Road Fund to the Department of Revenue for each of the fiscal years ending June 30, 1945, and June 30, 1946, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, the sum of $120,300.00.

(b) *Motor Transportation.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending June 30, 1945, and June 30, 1946, for the use of the Department of Business Regulation, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $60,000.00.

PART FOUR

1.

All receipts, fees, and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the State Government shall be covered into the State Treasury

promptly, as provided by statute, through the Department of Finance and placed to the credit of the General Expenditure Fund, excepting those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution, or agency of the State Government shall be covered into the State Treasury promptly, as provided by statute, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any officer, department, board, commission, institution, and subdivision of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until allotted as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under section 4, "EXECUTIVE DEPARTMENT", Item (d) 1, Part One of this Act.

Whereas, a state of war exists in the United States, and the effect upon the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act, exclusive of appropriations out of the State Road Fund, and exclusive of revolving fund accounts, shall not exceed an amount equal to the amount of revenues collected and received into the treasury, and credited to the General Expenditure Fund, during the same fiscal year, and that there is appropriated out of the General Expenditure Fund for each fiscal year to meet the appropriations made by this Act, only such an amount as does not exceed the revenues actually collected and received into the General Fund during such year, exclusive of any unencumbered balance existing at the close of business of the preceding fiscal year. However, in view of the present emergency which may materially affect revenue collections, there is hereby appropriated out of the unencumbered cash balance in the General Expenditure Fund as of the close of business on June 30, 1944, the sum of $3,319,050.00, which shall constitute an Emergency Expenditure Fund. The amount so appropriated shall be credited to such Emergency Expenditure Fund by the State Treasurer on July 1, 1944, and shall be held sacred and inviolate in such fund except for use as hereinafter provided. In the event it appears at any time during the fiscal year 1944-1945 that the revenues that will be received during that year will not be sufficient to meet the appropriations made by this Act for such year, then and in that event the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor, may allot any part

or all of the Emergency Expenditure Fund, to the extent of such deficiency of revenue, but not to exceed $1,659,525.00, to the various budget units to which appropriations have been made, such allotment, in the event it shall be insufficient to meet all appropriations in full, to be prorated on an equal basis. If, after so using any portion or all of said $1,659,525.00 during such fiscal year, it develops that the revenues ultimately collected and received into the State Treasury during such fiscal year and credited to the General Expenditure Fund would have been sufficient to have made unnecessary the use of part or all of such Emergency Expenditure Fund, then an amount equal to the amount so used from such fund shall be replaced to the credit of the Emergency Expenditure Fund, out of such revenues. During the fiscal year 1945-1946, such sum as stands to the credit of the Emergency Expenditure Fund, including such sum as may have been replaced to the credit of the fund as above provided, shall be held sacred and inviolate, except that if it appears, at any time during such year, that the revenues that will be received during the year will not be sufficient to meet the appropriations made by this Act for such year, the Commissioner of Finance, with the advice of the Commissioner of Revenue and with the approval of the Governor, may allot any part or all of such Emergency Expenditure Fund, to the extent of such anticipated deficiency of revenues, to the various budget units to which appropriations have been made, such allotments to be prorated on an equal basis if insufficient to meet all appropriations in full.

It is the intention of the General Assembly that the Emergency Expenditure Fund established under the preceding paragraph of this Act shall be used for no other purpose than to meet deficiencies in revenue, as set forth in said preceding paragraph, and that an amount of cash equal to the amount appropriated to such fund shall be earmarked for such fund as of July 1, 1944. However, it is intended that advancements may be made out of the monies to the credit of such fund for neces-

sary operating capital preliminary to meeting the general budgetary requirements of either or both of the fiscal years 1944-1945 and 1945-1946, such advancements to be repaid to the fund as soon as incoming revenues enable it to be done. Nothing in the preceding paragraph of this Act is intended to apply to the appropriations for capital outlay made in item (k) of section 26 of Part One of this Act.

As the conditions cannot be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues to be received into the General Fund cannot be fully determined at this time it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government and to ascertain the total revenues anticipated to be received into the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general laws, is hereby authorized, empowered and directed by the Legislature to prevent expenditures in excess of the amounts made available by this Act for the purpose of meeting appropriations, by equitably reducing, according to the need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of government.

3.

To carry out the purpose of this Act for the ensuing biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1944, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance.

Section 47.030 to 47.100, inclusive, of the Kentucky Revised Statutes of 1942, are repealed, and all continuing appropriations in existence at the time of this Act are hereby discontinued and repealed.

WHEREAS, the first fiscal year for which appropriations are made by this Act will commence on July 1, 1944, and it is essential that the appropriations made by this Act become effective at the beginning of such fiscal year, NOW, THEREFORE,

An emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

Ordered that said resolutions and bill be printed and referred to the Committee on Ways and Means.

Mr. Howard moved that when the House adjourn today, to meet again on tomorrow at 8:00 P. M.

Said motion was agreed to.

Mr. Simpson offered the following resolution, viz.:

H. Res. 1-B. Resolution requiring the Commissioner of Finance to call upon contractor for the printing of the Journals to show cause why bond should not be forfeited.

Said resolution is as follows, viz.:

JOINT RESOLUTION

WHEREAS, Under the provisions of KRS 57.180 the Journals of the General Assembly of the Commonwealth of Kentucky are required to be printed for the use of the members thereof, and to be delivered to the State Librarian within sixty (60) days after the end of the session, for distribution to said members, and

WHEREAS, KRS 57.180 further provides that the failure of the contractor for said printing, to comply with this section of the Statutes, shall be penalized by forfeiture of his bond, and

WHEREAS, For several sessions past Journals of the General Assembly have not been delivered within sixty (60) days, as required by this Act, but have been delivered from one year and six months late, and

WHEREAS, The 1944 Session of the General Assembly has been adjourned more than sixty (60) days, said Journal has not been delivered to the State Librarian for distribution, pursuant to the terms of the Statute before mentioned.

Therefore, be it Resolved by the House of Representatives of the Commonwealth of Kentucky, with the Senate concurring therein;

That the Commissioner of Finance be and he is hereby directed to call upon the contractor for the printing of the said Journals and require him to show cause why his bond should not be forfeited for his neglect and failure to comply with KRS 57.180. Upon the failure of said contractor to show justifiable and reasonable cause for this failure, the Commissioner of Finance is further directed to require the forfeiture of the contractor's bond and to bring about cancellation of his contract for said printing. The said Commissioner of Finance is further directed in such event of forfeiture of the contractor's bond and the cancellation of contract to let a new contract for the printing of the Journal under the terms of KRS 57.180, and the Commissioner of Finance is still further directed to see to it that the terms of KRS 57.180 are complied with in the future.

Said resolution was adopted.

Mr. Quill moved that Master Michael Shaikun be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Quill moved that Miss Sophia Estes of Elkhorn be extended the privilege of the floor.

Said motion was agreed to.

Mr. Egbert Taylor moved that Miss Patricia Ann Richard be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Preston offered the following resolution, viz.:

H. Res. 2-B. Whereas, there has been introduced a bill in the Congress of the United States (H. R. 1502) amending the Securities and Exchange Act of 1934; and

Whereas, the purpose of said bill is to eliminate ambiguities in that Act and to make clear the intent of Congress to deny to the Securities and Exchange Commission the power to regulate securities issued by States or political subdivisions or instrumentalities of States and transactions in such securities; and

Whereas, public financing by States or subdivisions or instrumentalities thereof are matters of purely State policy and should not be subject to restriction or regulation by any bureau of the Federal Government; and any restriction or regulation by any bureau of the Federal Government would interfere with the financing by States or political subdivisions or instrumentalities thereof, and would materially increase the cost of such financing; Now therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States is urged by the General Assembly of the Commonwealth of Kentucky, the House of Representatives and the Senate concurring, to enact H. R. 1502, in order that public financing by States and the subdivisions and instrumentalities thereof may be freed from the adverse effects of the ambiguities of the existing statute; and

Be it further Resolved that the Clerk of the House of Representatives is hereby directed to send, immediately a copy of this resolution to the Representatives and Senators representing the State of Kentucky in the Congress of the United States.

Said resolution was referred to the Committee on Ways and Means.

Mr. Cox moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Cox of the Committee on Ways and Means to which the same had been referred, reported resolutions and a bill entitled:

S. Res. 6. Resolution appropriating additional compensation for officers and employees of the Senate and House.

S. Res. 7. Resolution appropriating money for the General Assembly of the Commonwealth of Kentucky.

S. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky.

With Committee Amendments thereto.

With the expression of opinion that said resolutions and bill ought to pass.

Said resolutions and bill were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JUNE 15, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul Stauffer of the First Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
J. R. Dorman
T. H. Dyer
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Joe Stewart
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Cox moved that the privilege of the floor be extended to Mr. Jess McGary of Hopkins County.

Said motion was agreed to.

Mr. Cox moved that Charles and Fred Creasy, sons of The Honorable Fred Creasy, be appointed Honorary Pages of this House.

Said motion was agreed to.

Mr. Ennis moved that the privilege of the floor be extended to Misses Eva Taylor, Doris Herndon, Martina Gordon, Scottie Bell, Virginia Phillips and Mr. Burgess Robbins.

Said motion was agreed to.

Mr. Arrowood moved that the privilege of the floor be extended to Messrs. James W. Turner and Henry Van Hoose.

Said motion was agreed to.

Mr. Quill moved that when the House adjourn today, it adjourn to meet again on tomorrow at 10:00 A. M.

Said motion was agreed to.

Mr. Cox of the Committee on Ways and Means to which the same had been referred, reported resolutions entitled:

S. Res. 8. Resolution providing for payment of ministers of the churches of Frankfort.

With the expression of opinion that said resolution ought to pass.

Said resolution was read at length the first time and ordered to be placed on the Calendar.

H. Res. 2-B. Resolution urging the Congress of the United States to enact H. R. 1502.

With the expression of opinion that said resolution ought not to pass.

No motion having been made to advance said resolution to a reading, the report of the Committee to the contrary notwithstanding and no further action having been taken by the House on said resolution, it was ordered that said resolution be not read the first time, and so said resolution was rejected.

The House took up for consideration from the Calendar, resolutions and a bill entitled:

S. Res. 6. Resolution appropriating additional compensation for officers and employees of the House and Senate.

S. Res. 7. Resolution appropriating money for the General Assembly of the Commonwealth of Kentucky.

S. B. 1. An Act appropriating money for the operation, maintenance and functioning of the State Government of the Commonwealth of Kentucky.

With Committee Amendments thereto.

Ordered that said resolutions and bill be read the second time.

The Constitutional provision as to the second reading of said resolutions and bill at length, having been dispensed with, said resolutions and bill were read the second time by their titles only.

Ordered that said resolutions and bill be placed in the Orders of the Day.

Mr. West moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JUNE 16, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Fred Stauffer of the First Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Franklin Goins	Herbert V. Moore
Henry Arrowood	J. D. Gross	J. Lee Moore
F. H. Bassett, Jr.	R. M. Hall	W. B. Moser
W. G. Biggers	Jas. P. Hallahan	C. Sid Nabb
Isaac Blevins	Claude Hammons	Coy C. Nevitt
Douglas T. Bolling	B. C. Holbrook	Jno. C. Newcomb
J. C. Bradley	Benton Howard	Joe E. Nunn
Jno. W. Burkhart	Clyde S. Howard	H. C. Patterson
Chas. W. Burnley	Jerry F. Howell	Chester Peterson
C. D. Call	J. J. Huff	Albert W. Pfeiffer
Fred Carpenter	W. N. Hughes	Sylvester Phillips
Willis Champion	W. H. Hunt	James T. Philpott
Jno. H. Clarke, Jr.	Lee Johnson	J. Gip Prather
A. Roy Copeland	Paul S. Jonas	L. W. Preston
Marvin Cornett	Wm. E. Justice	Kleber F. Price
John Henry Cox	H. Clay Kauffman	Edw. P. Prichard
John P. Craig	M. Kavanaugh	James E. Quill
Fred Creasey	G. M. Knuckles	C. R. Reeves
Thos. S. Dawson	J. T. Linton	L. Allen Rhoads
Adron Doran	Homer E. Losey	Wade H. Riley
J. R. Dorman	A. L. Love	H. G. Royalty
T. H. Dyer	Pearl McKinney	Amos Runyon
Bernie S. Edlin	Ed Marcum	Carl Scheben
Harry W. Ennis	C. C. May	F. W. Schuhmann
Dr. J. C. Gabbard	Johnston Miller	Vernon Seaton
Chas. B. Gentry	Harry L. Moore	Leon J. Shaikun

Jno. W. Simmons	Thos. M. Swope	S. J. Wagner
Faust Y. Simpson	C. W. Taylor	Harry F. Walters
George T. Smith	Egbert V. Taylor	R. E. West
Robt. J. Spaulding	Roy L. Taylor	Taylor Witt
E. A. Spencer	H. Thieman, Jr.	Speaker Harry Lee Waterfield
Arthur Stallard	Otis C. Thomas	
Geo. W. Steinford	E. B. Thompson	
Joe Stewart	John L. Trumbo	

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Rhoads moved that the privilege of the floor be extended to Miss Lucille Marshall of Henderson, Kentucky.

Said motion was agreed to.

Mr. Roy Taylor moved that the privilege of the floor be extended to Miss Mary Jo Federer of Augusta, Kentucky.

Said motion was agreed to.

Mr. Ennis moved that the privilge of the floor be extended to Mr. Will Campbell of Logan County.

Said motion was agreed to.

The House took up for consideration from the Calendar a resolution entitled:

S. Res. 8. Resolution for the benefit of the ministers of Frankfort.

Ordered that said resolution be read the second time.

The Constitutional provision as to the second reading of said resolution at length having been dispensed with, said resolution was read the second time by its title only.

Ordered that said resolution be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 6. Resolution appropriating additional compensation for the officers and employees of the House and Senate.

Said resolution is as follows, viz.:

JOINT RESOLUTION appropriating additional compensation for officers and employees of Senate and House.

WHEREAS, the General Assembly deems the compensation of the officers and employees of the Senate and the House of Representatives, as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate for the proper functioning of the business of the Senate and the House during the Second 1944 Extraordinary Session,

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant at Arms, Doorkeeper, Cloakroomkeeper, Janitor and Pages, to that compensation as provided for in Chapter 88 of the Acts of the General Assembly of 1936, the sum of One Hundred Dollars ($100.00) per diem, effective beginning with the first day of the Second 1944 Extraordinary Session, for each body, for the duration of the Second 1944 Extraordinary Session.

Sec. 2. That the aforesaid amount shall be prorated among the aforenamed constitutional officers and employees, according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

Sec. 3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the above mentioned amounts, and that the Clerk of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the abovementioned officers and employees as provided in Chapter 88 of the Acts of the General Assembly of 1936.

Whereas, it is necessary that this additional compensation be received by the officers and employees of the Second 1944 Extraordinary Session in order to expedite properly the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
John H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 7. Resolution appropriating money for the General Assembly of the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

A JOINT RESOLUTION appropriating money for the General Assembly of the Commonwealth of Kentucky for the fiscal year of 1943-1944, and declaring an emergency to exist.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund for the payment of salaries and other necessary expenses of the General Assembly for the fiscal year 1943-1944 the sum of Twenty Thousand Dollars ($20,000.00).

Section 2. Whereas, the funds heretofore appropriated for the 1944 General Assembly of the Commonwealth of Kentucky are exhausted, an emergency is declared to exist and this resolution shall become effective immediately upon its passage and approval by the Governor.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky.

For S. B. 1 see House Journal for June 14, with committee amendments thereto.

Said amendments as proposed by the Committee are as follows, viz.:

1. Amend S. B. 1 on page 17, Section M line 70 and 71 by striking out the figures in lines 70 and 71 "$48,250.00" and adding the following in lieu thereof "$44,000.00"

2. Amend S. B. 1 on page 35, Part Three, line 31 by striking out the figures $2,000,000.00 and inserting in lieu therefor the figures $3,000,000.00.

3. Amend S. B. 1 on page 27, section 26, line 80 by adding the following: "And, of the $5,300,000.00 herein appropriated, not less than $600,000.00 thereof shall be spent for the construction, equipment and furnishing of a War Memorial Field House at the University of Kentucky."

4. Amend S. B. 1 on page 18 line 104 and 105 by striking out the figures $9,000.00 in line 104 and inserting $10,000.00 and by striking out the figures $9,000.00 in line 105 and inserting the figures $10,000.00.

Amendment No. 1 as proposed by the Committee was then disagreed to.

The yeas and nays being required thereon by Messrs. Wagner and Patterson, were as follows, viz.:

Those who voted in the affirmative were—

A. L. Love	H. G. Royalty	S. J. Wagner	
Ed Marcum	Faust Y. Simpson		
H. C. Patterson	Geo. W. Steinford		—7

Those who voted in the negative were—

Henry Arrowood	J. D. Gross	J. Lee Moore
F. H. Bassett, Jr.	Jas. P. Hallahan	W. B. Moser
W. G. Biggers	Claude Hammons	Coy C. Nevitt
Isaac Blevins	B. C. Holbrook	Jno. C. Newcomb
Douglas T. Bolling	Benton Howard	Joe E. Nunn
J. C. Bradley	Clyde S. Howard	Chester Peterson
Jno. W. Burkhart	Jerry F. Howell	Albert W. Pfeiffer
Chas. W. Burnley	J. J. Huff	Sylvester Phillips
C. D. Call	W. N. Hughes	James T. Philpott
Willis Champion	W. H. Hunt	J. Gip Prather
A. Roy Copeland	Lee Johnson	L. W. Preston
Marvin Cornett	Paul S. Jonas	Kleber F. Price
John Henry Cox	Wm. E. Justice	James E. Quill
John P. Craig	H. Clay Kauffman	L. Allen Rhoads
Fred Creasey	M. Kavanaugh	Wade H. Riley
Thos. S. Dawson	G. M. Knuckles	Amos Runyon
Adron Doran	J. T. Linton	Carl Scheben
J. R. Dorman	Homer E. Losey	F. W. Schuhmann
T. H. Dyer	Pearl McKinney	Vernon Seaton
Bernie S. Edlin	C. C. May	Leon J. Shaikun
Harry W. Ennis	Johnston Miller	Jno. W. Simmons
Dr. J. C. Gabbard	Harry L. Moore	George T. Smith
Chas. B. Gentry	Herbert V. Moore	Robt. J. Spaulding

E. A. Spencer	Egbert V. Taylor	Harry F. Walters
Arthur Stallard	Roy L. Taylor	R. E. West
Joe Stewart	Otis C. Thomas	Taylor Witt
Thos. M. Swope	E. B. Thompson	
C. W. Taylor	John L. Trumbo	—82

Amendment No. 2 as proposed by the Committee was then disagreed to.

The yeas and nays being required thereon by Messrs. Love and Cox, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	A. L. Love	Wade H. Riley
Chas. W. Burnley	C. C. May	H. G. Royalty
Fred Carpenter	W. B. Moser	Amos Runyon
A. Roy Copeland	C. Sid Nabb	Leon J. Shaikun
John Henry Cox	Joe E. Nunn	Jno. W. Simmons
Fred Creasey	H. C. Patterson	Faust Y. Simpson
J. R. Dorman	Chester Peterson	Geo. W. Steinford
Franklin Goins	J. Gip Prather	Roy L. Taylor
R. M. Hall	L. W. Preston	Harry F. Walters
Clyde S. Howard	Kleber F. Price	Speaker Harry
Wm. E. Justice	Edw. P. Prichard	Lee Waterfield
J. T. Linton	L. Allen Rhoads	—34

Those who voted in the negative were—

Henry Arrowood	John P. Craig	Jas. P. Hallahan
W. G. Biggers	Thos. S. Dawson	Claude Hammons
Isaac Blevins	Adron Doran	B. C. Holbrook
Douglas T. Bolling	T. H. Dyer	Benton Howard
J. C. Bradley	Bernie S. Edlin	Jerry F. Howell
Jno. W. Burkhart	Harry W. Ennis	J. J. Huff
C. D. Call	Dr. J. C. Gabbard	W. N. Hughes
Willis Champion	Chas. B. Gentry	W. H. Hunt
Marvin Cornett	J. D. Gross	Lee Johnson

Paul S. Jonas	Jno. C. Newcomb	Arthur Stallard
H. Clay Kauffman	Albert W. Pfeiffer	Joe Stewart
M. Kavanaugh	Sylvester Phillips	Thos. M. Swope
G. M. Knuckles	James T. Philpott	C. W. Taylor
Homer E. Losey	James E. Quill	Egbert V. Taylor
Pearl McKinney	C. R. Reeves	H. Thieman, Jr.
Ed Marcum	Carl Scheben	Otis C. Thomas
Johnston Miller	F. W. Schuhmann	E. B. Thompson
Harry L. Moore	Vernon Seaton	John L. Trumbo
Herbert V. Moore	George T. Smith	S. J. Wagner
J. Lee Moore	Robt. J. Spaulding	R. E. West
Coy C. Nevitt	E. A. Spencer	Taylor Witt

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Amendment No. 3 as proposed by the Committee was then disagreed to.

The yeas and nays being required thereon by Messrs. Prichard and Dorman were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	Paul S. Jonas	Edw. P. Prichard
Chas. W. Burnley	M. Kavanaugh	L. Allen Rhoads
C. D. Call	J. T. Linton	H. G. Royalty
Fred Carpenter	A. L. Love	Leon J. Shaikun
A. Roy Copeland	C. C. May	Faust Y. Simpson
John Henry Cox	W. B. Moser	Geo. W. Steinford
Fred Creasey	C. Sid Nabb	S. J. Wagner
J. R. Dorman	H. C. Patterson	Harry F. Walters
Franklin Goins	Chester Peterson	Speaker Harry Lee Waterfield
R. M. Hall	L. W. Preston	
Clyde S. Howard	Kleber F. Price	

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Those who voted in the negative were—

Henry Arrowood	Isaac Blevins	Jno. W. Burkhart
W. G. Biggers	Douglas T. Bolling	Willis Champion

Marvin Cornett	Wm. E. Justice	Carl Scheben
John P. Craig	H. Clay Kauffman	F. W. Schulmann
Thos. S. Dawson	G. M. Knuckles	Vernon Seaton
Adron Doran	Homer E. Losey	Jno. W. Simmons
T. H. Dyer	Pearl McKinney	George T. Smith
Bernie S. Edlin	Ed Marcum	Robt. J. Spaulding
Dr. J. C. Gabbard	Johnston Miller	E. A. Spencer
Chas. B. Gentry	Harry L. Moore	Arthur Stallard
J. D. Gross	Herbert V. Moore	Joe Stewart
Jas. P. Hallahan	Coy C. Nevitt	Thos. M. Swope
Claude Hammons	Jno. C. Newcomb	C. W. Taylor
B. C. Holbrook	Albert W. Pfeiffer	Egbert V. Taylor
Benton Howard	Sylvester Phillips	H. Thieman, Jr.
Jerry F. Howell	James T. Philpott	Otis C. Thomas
J. J. Huff	J. Gip Prather	E. B. Thompson
W. N. Hughes	James E. Quill	John L. Trumbo
W. H. Hunt	C. R. Reeves	R. E. West
Lee Johnson	Wade H. Riley	Taylor Witt

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Mr. Love moved that debate of said amendments be limited to ten minutes for the proponents and ten minutes for the opponents.

Said motion was disagreed to.

Amendment No. 4 as proposed by the Committee was then disagreed to.

The yeas and nays being required thereon by Messrs. Shaikun and Prichard, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	John Henry Cox	C. Sid Nabb
Chas. W. Burnley	R. M. (Coke) Hall	Chester Peterson
A. Roy Copeland	J. T. Linton	L. W. Preston

Kleber F. Price	Leon J. Shaikun	S. J. Wagner	
Edw. P. Prichard	Faust Y. Simpson		
H. G. Royalty	Geo. W. Steinford		—17

Those who voted in the negative were—

Henry Arrowood	J. J. Huff	C. R. Reeves	
W. G. Biggers	W. N. Hughes	L. Allen Rhoads	
Isaac Blevins	W. H. Hunt	Wade H. Riley	
Douglas T. Bolling	Lee Johnson	Amos Runyon	
J. C. Bradley	Paul S. Jonas	Carl Scheben	
Jno. W. Burkhart	Wm. E. Justice	F. W. Schuhmann	
C. D. Call	H. Clay Kauffman	Vernon Seaton	
Willis Champion	M. Kavanaugh	Jno. W. Simmons	
Marvin Cornett	G. M. Knuckles	George T. Smith	
John P. Craig	Homer E. Losey	Robt. J. Spaulding	
Fred Creasey	Pearl McKinney	E. A. Spencer	
Thos. S. Dawson	Ed Marcum	Arthur Stallard	
Adron Doran	C. C. May	Joe Stewart	
T. H. Dyer	Johnston Miller	Thos. M. Swope	
Bernie S. Edlin	Harry L. Moore	C. W. Taylor	
Harry W. Ennis	Herbert V. Moore	Egbert V. Taylor	
Dr. J. C. Gabbard	J. Lee Moore	Roy L. Taylor	
Chas. B. Gentry	W. B. Moser	H. Thieman, Jr.	
J. D. Gross	Coy C. Nevitt	Otis C. Thomas	
Jas. P. Hallahan	Jno. C. Newcomb	E. B. Thompson	
Claude Hammons	Joe E. Nunn	John L. Trumbo	
B. C. Holbrook	Albert W. Pfeiffer	Harry F. Walters	
Benton Howard	Sylvester Phillips	R. E. West	
Clyde S. Howard	J. Gip Prather	Taylor Witt	
Jerry F. Howell	James E. Quill		—74

Messrs. Clyde Howard and Faust Y. Simpson offered the following amendment to said bill, viz.:

Amend S. B. 1 on page 17 Section 18 (j), lines 56 and 57 by adding the following:

Whereas, it is a matter of legislative policy:

A. That we are indebted to the boys and girls of Kentucky who are so nobly defending our country, more than we can ever repay, and the debt is mounting by leaps and bounds; that while they are giving their all that we may live in peace and security, the least those of us who are not permitted to serve in our armed forces can do is to see that nothing is left undone at home that would contribute to their well-being when they come back to us, crippled and blinded and nervous and mental wrecks.

B. That it is an established fact that by proper training both mental and physical, thousands of these disabled service men can be rehabilitated, almost to the point of giving them new life and can make them self-supporting, useful and happy again.

C. It is hereby declared to be the policy of the General Assembly of the Commonwealth of Kentucky to authorize the Division of Vocational Rehabilitation, of the Department of Education, to employ sufficient personnel to contact all these returned disabled veterans and to offer them whatever training they may need to make them self-supporting and happy.

Now therefore, Senate Bill No. 1 in the House of Representatives is amended by substituting the figures $75,000.00 for the figures $61,000.00 in line 56 on page 17 and by substituting the figures $125,000.00 for the figures "$61,000.00 in line 57 on page 17, both of said lines being under paragraph (j) of Section 18 of Part One of said bill.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Shaikun and Peterson, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.
Chas. W. Burnley
Fred Carpenter
A. Roy Copeland
John Henry Cox
Fred Creasey
Franklin Goins
R. M. Hall
Clyde S. Howard
A. L. Love
C. Sid Nabb
Chester Peterson
Edw. P. Prichard
H. G. Royalty
Leon J. Shaikun
Faust Y. Simpson
Geo. W. Steinford
S. J. Wagner
Harry F. Walters
Speaker Harry Lee Waterfield

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Those who voted in the negative were—

Henry Arrowood
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
Jno. W. Burkhart
C. D. Call
Willis Champion
Marvin Cornett
John P. Craig
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Dr. J. C. Gabbard
Chas. B. Gentry
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
W. B. Moser
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
R. E. West
Taylor Witt

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Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	T. H. Dyer	Wm. E. Justice
F. H. Bassett, Jr.	Bernie S. Edlin	H. Clay Kauffman
W. G. Biggers	Harry W. Ennis	M. Kavanaugh
Isaac Blevins	Dr. J. C. Gabbard	G. M. Knuckles
Douglas T. Bolling	Chas. B. Gentry	J. T. Linton
J. C. Bradley	Franklin Goins	Homer E. Losey
Jno. W. Burkhart	J. D. Gross	A. L. Love
Chas. W. Burnley	R. M. Hall	Pearl McKinney
C. D. Call	Jas. P. Hallahan	Ed Marcum
Fred Carpenter	Claude Hammons	C. C. May
Willis Champion	B. C. Holbrook	Johnston Miller
A. Roy Copeland	Benton Howard	Harry L. Moore
Marvin Cornett	Clyde S. Howard	Herbert V. Moore
John Henry Cox	Jerry F. Howell	J. Lee Moore
John P. Craig	J. J. Huff	W. B. Moser
Fred Creasey	W. N. Hughes	C. Sid Nabb
Thos. S. Dawson	W. H. Hunt	Coy C. Nevitt
Adron Doran	Lee Johnson	Jno. C. Newcomb
J. R. Dorman	Paul S. Jonas	Joe E. Nunn

H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield
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There voted in the negative—

Faust Y. Simpson —1

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of one-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Quill moved that the Speaker appoint a Committee

to investigate the present status of a Resolution which was adopted in this House on June 14, entitled:

H. Res. 1-B. Resolution requiring the Commissioner of Finance to have the printers of the Journal show cause why contract should not be voided.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Simpson, Cox and Thomas as members of said Committee.

Mr. Swope moved that the Rules of this House be suspended for the purpose of introducing a resolution.

Said motion was disagreed to.

Mr. Love moved that the vote by which said motion was disagreed to, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, the motion as made by Mr. Swope was agreed.

Thereupon Mr. Swope offered the following resolution, viz.:

A Resolution repudiating House Resolution No. 79 of the Regular Session of the 1944 General Assembly.

Whereas, by House Resolution No. 79 of the Regular Session of the 1944 General Assembly, application was made to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States relating to taxes on income, inheritances and gifts, and

Whereas, such resolution was adopted by the General Assembly under a misapprehension as to its true meaning, intent and purpose, and without a full consideration of the results that might obtain from such action, and

Whereas, the amendment proposed in such resolution establishes a policy with regard to taxation that is contrary to the established public policy of Kentucky, and would impose the burden of taxation upon those least able to bear it. Now therefore;

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That House Resolution No. 79 of the Regular Session of the 1944 General Assembly is hereby repudiated and the House of Representatives does withdraw from the same.

The Secretary of State is directed to send a duly certified copy of this resolution to the Senate of the United States and to the House of Representatives of the United States.

Said resolution was adopted.

The yeas and nays being required there by Messrs. Swope and Love, were as follows, viz.:

Those who voted in the affirmative were—

Douglas T. Bolling	T. H. Dyer	W. N. Hughes
Chas. W. Burnley	Bernie S. Edlin	Paul S. Jonas
A. Roy Copeland	Chas. B. Gentry	Wm. E. Justice
Marvin Cornett	Franklin Goins	H. Clay Kauffman
John Henry Cox	Benton Howard	M. Kavanaugh
John P. Craig	Clyde S. Howard	J. T. Linton
Adron Doran	Jerry F. Howell	Homer E. Losey
J. R. Dorman	J. J. Huff	A. L. Love

Ed Marcum	L. W. Preston	Joe Stewart
C. C. May	Kleber F. Price	Thos. M. Swope
Johnston Miller	Edw. P. Prichard	Egbert V. Taylor
Harry L. Moore	C. R. Reeves	Otis C. Thomas
J. Lee Moore	H. G. Royalty	E. B. Thompson
C. Sid Nabb	Amos Runyon	John L. Trumbo
Chester Peterson	Jno. W. Simmons	Taylor Witt
Sylvester Phillips	Faust Y. Simpson	
J. Gip Prather	George T. Smith	—49

Those who voted in the negative were—

C. D. Call	James T. Philpott	Geo. W. Steinford
Thos. S. Dawson	James E. Quill	H. Thieman, Jr.
Jas. P. Hallahan	F. W. Schuhmann	S. J. Wagner
Albert W. Pfeiffer	Robt. J. Spaulding	R. E. West
		—12

Mr. Swope moved that the vote by which said resolution was adopted be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House, entitled:

H. Res. 1-B. (For title see Journal of today ante)

And that they had adopted a resolution which originated in that body, entitled:

S. Res. 11. Be it Resolved by the Senate of Kentucky, the House concurring therein, that when the General Assembly adjourns today, June 16, it adjourn sine die.

Said resolution was concurred in.

Mr. Quill moved that a telegram received from Columnist Drew Pearson be spread upon the Journal.

Said motion was agreed to.

Said telegram is as follows, viz.:

James P. Hallahan
The Kentucky State Legislature
I note that you have been appointed a committee of one to investigate my statement that quote Governor Willis getting the reputation of veering toward petticoat influence at the palace. unquote. I am delighted to know that you have acted with such promptness and such statesmanship to investigate this question which goes to the root of sovereignty of the great State of Kentucky. While my own opinion may not coincide with yours in the matter, I know how deeply most Kentucky Republicans resent Mrs. Roosevelt's influence in the affairs of the nation. Therefore, I consider it entirely fair on your part that you should investigate petticoat influence in the Governor's Mansion including the friendship of Mrs. Willis for Mrs. Sherman Goodpaster, a diabolical situation which I am sure all good Republicans resent. Again my congratulations on your praiseworthy impartiality and your courage in undertaking this important probe.
Drew Pearson

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill and resolutions entitled:

S. Res. 6. Resolution appropriating additional compensation for the officers and employees of the House and Senate.

S. Res. 7. Resolution appropriating money for the General Assembly of Kentucky and declaring an emergency to exist.

S. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky.

Thereupon all other business was suspended, said resolutions and bill were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bill and resolutions be delivered to the Enrolling Clerk of the Senate.

Mr. Quill moved that the Speaker of this House be authorized and directed to appoint a Committee to wait upon the Senate and inform that body that the House has now completed the business before it and request that the Senate appoint a like Committee to act in conjunction with the House Committee and wait upon the Governor and inform him that the House and Senate, composing the General Assembly of Kentucky convened in Extraordinary Session, have completed the business before them and are now ready to adjourn sine die, and to inquire whether the Governor has any further communication to make.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Quill, Doran, Shaikun, Cornett and Spaulding as members constituting said Committee.

After a time, Mr. Quill of the Committee aforesaid reported that they had discharged the duties imposed upon them and have been informed by His Excellency, The Governor of the Commonwealth of Kentucky that he had no further communication to make.

The Journals of the House were then approved by the House.

And then the House adjourned sine die.

Approved:

HARRY LEE WATERFIELD
Speaker of the House.

ATTEST:

BROOKS L. HARGROVE
Chief Clerk, House of Rep.

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